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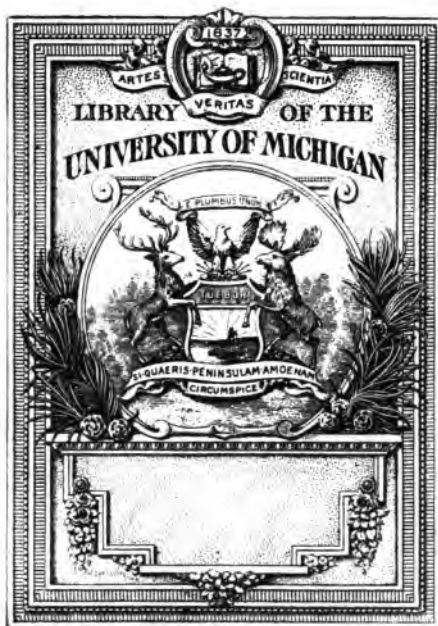
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# THE NEW PEACE MOVEMENT

BY

WILLIAM I. HULL, PH.D.

PROFESSOR OF HISTORY AND INTERNATIONAL RELATIONS IN SWARTH-  
MORE COLLEGE: AUTHOR OF "THE TWO HAGUE CONFERENCES  
AND THEIR CONTRIBUTIONS TO INTERNATIONAL LAW," ETC.

BOSTON  
THE WORLD PEACE FOUNDATION  
1912

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TO  
THE PRESIDENT OF THE UNITED STATES OF AMERICA  
THE HONORABLE WILLIAM HOWARD TAFT  
WHOSE MAGNIFICENT EFFORTS IN BEHALF OF INTER-  
NATIONAL JUSTICE HAVE MADE HIM THE LEADER OF  
THE WORLD IN THE NEW PEACE MOVEMENT





## PREFACE

The Peace Movement to-day is where the antislavery movement was in the early fifties of the last century. At that period the champions of slavery were aggressively on the offensive, fiercely determined not only that slavery should be maintained in more than all its former prestige and strength in the South, but that it should be extended indefinitely in the West and should wield the balance of power against the North in the affairs of the nation. And this campaign they carried on in the beloved name of *Union*. On the other hand, the radical opponents of slavery had wrought out a vast body of fact and argument and sentiment, economic, political and moral, against the system of slavery wherever it was sheltered beneath the American flag. And this campaign they carried on in the sacred name of *Freedom*. Between the two a political party was gradually crystallizing, whose mission it was to concentrate by some practicable method the antislavery fact and argument and sentiment upon first one and then another bulwark of the slavery system until it should fall utterly and forever. The slogan of this party was *Freedom and Union*.

To-day we see on the one hand a large and increasing body of professional soldiers and sailors, with a great body of political and commercial men behind them, who

are aggressively determined not only that the armies and navies of the world shall be maintained in more than all their former prestige and strength, and be indefinitely increased in size and "fighting effectiveness," but that they shall appropriate to their growth every new device for man's mastery over the depths of the sea and air, — the forces of electricity and the ever new and more destructive agencies of chemical and physical science, — and shall absorb an enormously increasing share of the revenues and resources of every civilized nation. And this campaign they carry on in the lofty name of *Justice*. On the other hand, great numbers of the peacemakers of the world have accumulated a vast body of fact and argument and sentiment, economic, political and moral, in proof of the folly and wickedness of warlike preparations as a means of insuring national defense, and of warfare as a means of procuring international justice, and have demanded their immediate abolition. And this campaign has been carried on in the sacred name of *Peace*. Between the two there has grown up a large and increasing body of men and women in every nation whose mission it is to concentrate by some practicable method the peace fact and argument and sentiment upon first one and then another of the bulwarks of warfare until it shall fall utterly and forever. This campaign is carried on in the name of *Peace and Justice*.

The method of the proslavery party in the fifties was squatter sovereignty and every constitutional and legislative aid to the spread of slavery. The method of the radical antislavery men was immediate abolition without compensation. The method of the Republican party was

restriction of slavery to the South and gradual emancipation there; or, if possible, said Lincoln, immediate abolition with compensation. The method of the militarists to-day is now and always a more powerful navy and army than any other nation possesses. The method of the ultrapacifists has been immediate and perpetual abolition of armaments. The method of the new Peace Movement is international courts of law, the limitation and gradual reduction of armaments and their exclusive use as a genuine international police force.

In the fifties the hot-heads on both sides of Mason and Dixon's line precipitated a terrible civil war, in the course of which—not necessarily by any means *because* of which—both Freedom and Union came to their own. It is inconceivable to-day that the hot-heads can stir up civil wars over the question of armaments, but it is as certain as the sunrise that, either with or without such war, the cause of Peace and Justice will ultimately prevail.

The vast body of our people were caught up, in the fifties, in a great campaign of education on the anti-slavery question. On the one hand they were asked, first, Shall the Union and slavery be preserved through the recognition of local self-government? On the other hand they were asked, Shall slavery be abolished even at the cost of the Union? The great majority of them decided for both Freedom and Union, and the preservation of local self-government unsullied by the institution of slavery. The vast body of the people in every civilized land are being asked to-day on the one hand, Shall international justice prevail through enormous and

competitive increase of national armaments? On the other hand they are being asked, Shall international peace be established by the abolition of armaments? The great majority of them will undoubtedly decide for both Peace and Justice, and for the conversion of national armaments into an international police force.

The burning problem which presses for solution upon the leaders of thought and conscience in every land to-day is, *How* shall the happy conjunction of Peace and Justice be procured? In the fifties the peaceful solution of the burning problem of Freedom and Union was abnormally and wickedly sidetracked by the precipitation of a terrible civil war. It behooves every good citizen to-day to see to it that neither a series of terrible civil wars nor a succession of terrible international wars shall sidetrack the speedy and peaceful solution of the impending issue of our time. It behooves every good citizen to enter upon a candid, earnest and thorough study of this question, not only because it involves grave economic evils, nor because it threatens serious political complications, but because the best that is within man, the divinity that inspires humanity, demands that this problem shall be settled in accordance with the eternal laws of right. It behooves every good citizen to permit no glamour, false or real, associated with warfare in the past; to permit no difficulty or danger associated with the present disposal of an evil strongly entrenched in national habit and daily increasing in national menace; to permit no fears, fancied or real, of attack from "enemies" in the future, to retard or to swerve a hair's breadth from the path of right and righteousness the

determined, patriotic, wise and Christian effort to make Peace and Justice prevail, now and forever, to the exclusion of warfare and of the injustice which logically and inevitably follows in its footsteps.

To assist, if possible, and in however small degree, in this campaign of education, and especially to appeal to the candid and earnest thought of conscientious men and women, most of the addresses included in this collection have been delivered before various audiences, and, after circulation in another form, are now, with some additional papers, made more available for those who read and reflect. The immediate practical purposes of certain of the lectures and essays explain occasional repetitions and references which might have been given different form if the work had all been prepared at once. The work is the growth of the years which have followed the publication of the writer's book upon "The Two Hague Conferences"; and these Conferences form its starting point, as they form the beginning of the new Peace Movement.



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# THE NEW PEACE MOVEMENT

## I

### THE ACHIEVEMENTS OF THE TWO HAGUE CONFERENCES <sup>1</sup>

When Clio, muse of history, shall take up her pen to pass final judgment upon the advance registered by the two Hague Conferences, we know not now precisely what verdict she will record. For now, close as we are to the toil and struggles of the Titans who shaped and fashioned the institutions of those Conferences, and breathlessly endeavoring as we are to catch up with the full significance of the events which those institutions have already ushered in upon a wondering world, it is inevitable that we should see them only as through a glass and darkly. Again, so far-reaching through the realm of international relations is the scope of the Conferences' work, that to attempt to estimate the advance registered by them is like an attempt to estimate the results of the application of steam to industry or of democracy to government. For already it is clear that the Hague Conferences are to international law what the Industrial Revolution of the eighteenth and nineteenth centuries was to human industry, or what the rise of the American Republic was to human government.

<sup>1</sup> Address at the Second National Peace Congress, Chicago, 1909.

But despite the difficulties of this task it is natural and fitting that it should be undertaken. For when the traveler from some sunken valley climbs the winding path up a mountain side toward its snow-capped summit, and rests for a moment from his toil upon some projecting headland, it is well for him to look back upon the progress he has made and calculate from it the direction and, if possible, the length of the path which lies before him. And when a great nation like ours, in its ascent from the valley of the shadow of warfare up toward the sun-lit summit of perpetual peace and justice, comes to such a resting place as is afforded by this National Peace Congress in Chicago, it is just to the past and should be helpful to the future for it to estimate the progress it has made and to consider its present position.

The civilized world, in common with our own country, has made use of many instrumentalities in its great ascent toward international peace and justice; but the greatest of them all I believe to have been the two Conferences at The Hague. For these Conferences, like the great heroes or institutions of history, embodied in themselves nearly all the forces, or were exponents of nearly all the instrumentalities, which have been achieving for the world its renowned victories of peace.

Among these forces I would mention, first, the international *solidarity* which has superseded the superficial international *comity* of the past. Assembled in the Hall of the Knights, in the Second Hague Conference, were the representatives of the forty-four sovereign states which share between them the destinies of practically all of the population and nine tenths of the territory of

the earth. In the presence of the world thus assembled for the first time in history in a single room was solemnly and definitively proclaimed the great fact, fundamental in international relations, that the nations form a single *family*, each member possessing inalienable rights and bounden duties. The ideal of an international *family*, long talked about and dreamed of by international jurists, was embodied in the various conventions adopted by the Conferences, was fully and freely expressed by many of the delegates, and has been borne in upon the consciousness of the nations as never before. It has enormously strengthened the international *esprit de corps*, and has accentuated as nothing else probably could have done the existence and growth of that *international public opinion* which is already the chief sanction of international agreements. The potency of this decent respect for the opinions of the rest of the family was shown in many striking instances. For example, it induced Great Britain to adhere in 1907 to the two declarations which it rejected in 1899, those, namely, prohibiting the use of "dum-dum" bullets and of bombs whose object is the diffusion of asphyxiating or deleterious gases. It induced Germany to accept the Permanent Court of Arbitration in 1899, and to announce its entire conversion to the principle and practice of obligatory arbitration in 1907. It induced Spain and Mexico to adhere to the Declaration of Paris of 1856, which prohibited privateering. It induced China and Switzerland to adhere in 1907 to the laws and customs of warfare which they rejected in 1899. It induced the nineteen Latin American republics to ratify in 1907, without question, the acts of the Conference of 1899, in which they were not represented.

And, above all, it induced thirty of the thirty-six small powers to accept the International Prize Court, although the principle of its constitution was held to violate the absolute equality of sovereign states. As indicative of the spirit in which this court was accepted by the small powers, may be noted the words of M. Hagerup of Norway, who said that although his country's merchant marine ranked fourth among all the powers of the world, it would nevertheless accept the eleventh place assigned it in the distribution of judges. The power of this redoubtable sovereign of international public opinion was evident in countless other instances during the Conferences; but enough of these have here been stated to show that behind the governments of the world in their dealings with each other there is the same irresistible power which guides, checks and spurs onward the various governments in their national affairs. The old economic theory that one nation's loss is another nation's gain has long since been exploded. In diplomatic transactions this theory has not yet been discarded; but at The Hague, in the presence of common needs and common interests, a clear view was caught of the fact which will be embodied in some future conference, that international solidarity requires the observance of the rule of "each for all and all for each," and that it will enable the gain of one member of the family to be a genuine and permanent one only when that gain is based upon a strict observance of the rights of all the other members.

Turning to the great code of international law which was incorporated in the sixteen conventions and four declarations of the Conferences, we stand in the presence

of the stupendous fact that within our time and under our very eyes an event has transpired which is comparable with the publication of the Twelve Tables in ancient Rome or the compilation of the laws of our Teutonic forefathers. For at The Hague was codified into concrete international law a vast mass of international custom which had been more or less vague, disputable and unapplied. More than this, the most daring innovations which have ever been introduced into international law — far more daring than those which came from the hands of Hugo Grotius and the master builders of the science — were made authoritatively by the official delegates of the nations at The Hague. This great body of codified custom and new law, together with the approximate acceptance of the principle of international solidarity, has caused the veritable revolution in international law which has been already referred to, and has made the student of that science feel himself to be in the presence of a new heaven and a new earth. To prove this, let facts be submitted to a candid world. The facts here submitted will be grouped under the following heads: the alleviation of warfare's horrors, its restriction within narrow limits, and the means for its prevention.

In the alleviation of warfare's horrors the Hague Conferences have far surpassed the reforms accomplished or suggested by the Conventions of Geneva of 1864 and 1868, the Declaration of St. Petersburg in 1868, and the Declaration of Brussels in 1874. For at The Hague the Red Cross rules were applied for the first time to warfare on the sea, and a careful revision and development of them as applied to warfare on the land was

provided for in 1899 and accomplished in 1906; by the vote of every government except that of the United States, the Conferences prohibited the use of bullets which expand or flatten easily in the human body, and of projectiles, the object of which is the diffusion of asphyxiating or deleterious gases; they forbade the bombardment of undefended ports, towns, dwellings or buildings by artillery in the air, on the land or on the sea, and at the same time they permitted seaports to protect themselves against invasion by the use of anchored mines, and yet, as technically undefended, to remain immune from bombardment by the invading ships. The Conference of 1899 adopted a great code of sixty rules and regulations, some of which had been urged during more than a quarter of a century, and all of which are designed to prevent the evils of warfare from falling upon peaceful noncombatants, and to alleviate the sufferings of the soldier in the field and as prisoner of war. These rules have to do with the means of injuring the enemy, with belligerents, prisoners of war, spies, flags of truce, armistice, capitulations and the treatment of occupied territory. They are far too numerous even to be mentioned in this paper, but their importance may be estimated by the fact that Professor Zorn of Germany has said of them that they alone would have made the Conference of 1899 a remarkable success.

Turning next to the restriction of warfare and its evils to the narrowest possible limits, we find marked progress in defining the relations of belligerents with neutrals, and in restricting the scope of warfare between the belligerents themselves. Heretofore the belligerent has bestrode the narrow earth like a Colossus, while

petty neutrals walked under his huge legs and peeped about to find the best means of avoiding his displeasure. So difficult and dangerous was the position of the neutral in the last century that statesmen very often acted on the policy that war with one or the other belligerent was preferable to neutrality. We have changed all that in recent years, and especially have the two Hague Conferences cribbed, cabined and confined the belligerent in many stringent ways. The Conferences first gave their high and definitive sanction to existing international custom which admonished belligerent states to refrain from carrying on hostilities within neutral territory, to abstain from making on neutral territory direct preparations for acts of hostility, to obey all reasonable regulations made by neutral states for the protection of their neutrality, and to make reparation to any state whose neutrality they may have violated. They then enacted a considerable body of new legislation designed to emphasize and protect neutral *rights* rather than prescribe neutral *duties*. So carefully did they protect neutral rights and so strictly confine belligerent rights that they may be said to have fairly *canalized* warfare, — banked it within definite and relatively narrow channels, and erected a system of dikes as noteworthy as those which Holland has built against the fierce North Sea, — for the protection of the great world of peaceful commerce and industry from the devastating floods of warfare which belligerents may let loose against each other.

Among these devices of restriction and protection may be mentioned the following: First, an unequivocal declaration of war, stating its causes, must be issued before hostilities are commenced, and must be promptly



announced to the neutral powers. It is indicative of the unbridled condition of belligerents before the Hague Conferences that this primary restriction against treachery toward the enemy and this common-sense recognition of neutral rights was established for the first time in 1907 in modern international law.

The most eminent jurists in the world, the members, namely, of the Institute of International Law, had been wrestling unavailingly with the knotty problem of the rights of neutrals on land and sea for a generation. The Conference of 1907 solved a number of its phases. Upon the fundamental assertion of the inviolability of neutral territory, it forbade the conveyance across neutral territory of troops or convoys of munitions or provisions; it forbade the installation on neutral territory of telegraphic or other apparatus designed to serve as a means of communication with belligerent forces on land or sea; it forbade the bringing of prizes into neutral ports, unless under stress of bad weather or lack of coal or provisions; it forbade belligerents to increase in any manner whatever their military or naval strength on neutral lands or waters; it forbade an unlimited and too frequent renewal in neutral waters of belligerent food and fuel supplies; it forbade more than three belligerent warships to come into neutral ports at any one time, or to remain there more than twenty-four hours, unless the neutral power concerned had made a different rule; it forbade belligerent warships to follow an enemy's warship or an enemy's merchant ship from a neutral port within twenty-four hours after the latter ship's departure.

Not only did the Conference of 1907 assert the above

rights of neutral states, but some rights of neutral citizens residing within belligerent territory were asserted by it as well. Concerning these rights international disputes are particularly frequent, as Baron Marschall von Bieberstein of Germany pointed out in the Conference; and, as General Davis of the United States remarked, the protection of them is of vast importance in these days of wide international commercial operations which should be disturbed as little as possible by warfare. As a result of the rules adopted concerning them, neutral residents are protected not only against the belligerent state in whose territory they reside or do business, but also against the belligerent which invades that territory. The anxieties and hardships of resident aliens are diminished by the rule that they may not be punished by either belligerent for lending money or contributing goods to the other belligerent, nor for rendering police or civil services. The military representatives of Germany and Austria-Hungary emphasized "the imperious necessities of generals in the field"; but the Conference adopted the above rules unanimously, as it did also the rule that the rolling stock of railway companies coming from the territory of neutral powers and owned by those powers or by corporations or private persons can be requisitioned and used by a belligerent only in the case and to the extent that an imperious necessity demands, and that it must be returned as soon as possible to the country of its origin; while neutrals may, if necessary, retain and utilize, in compensation, such property coming from a belligerent power. By this last rule is protected the paramount right of neutral commerce to unrestricted railway transportation; and by a further

resolution it is made the special duty of the competent military and civil authorities to protect in time of war the maintenance of pacific relations, especially commercial and industrial relations, between the inhabitants of the belligerent countries and those of neutral states. These rules, though few in number, are of great importance, since they not only lessen the danger of warfare caused by disputes over neutral rights, but also circumscribe more narrowly than heretofore the closed lists of combat.

Not only was the shadow of the colossus of belligerency upon the land reduced by the Conferences, but he was given very positive notice that he did not own the high seas and could not use them as he pleased in warring against his enemy. He was forbidden to use unanchored submarine mines, unless constructed in such manner as to become harmless within one hour after their control has been lost; he was forbidden the use of anchored mines which do not become harmless as soon as they break their cables; he was forbidden to use automobile torpedoes which do not become harmless when they have missed their aim; he was forbidden to place submarine mines along the coasts and in front of the ports of his enemy, with the sole purpose of intercepting commerce; he was required to take every precaution to protect peaceful navigation against submarine mines, and to cause them to become harmless after a limited time, by removing them, guarding them, or indicating the dangerous regions and notifying the other powers of them.

The advance registered by the Conferences in curbing these modern demons of the sea may be appreciated from the fact that three years after the close of the Russo-Japanese War the Chinese government was still obliged

to furnish its coasting vessels with special instruments to remove and destroy the floating mines with which the belligerents had sown not only the neighboring high seas but China's own territorial waters as well ; that, in spite of every precaution, a very considerable number of coasting ships, fishing boats, junks and sampans have foundered as a result of striking these mines ; and that more than five hundred Chinese citizens, peacefully pursuing their occupations, have suffered a cruel death from these dangerous engines of warfare, while the lives of thousands of passengers on the great Occidental liners have been in imminent peril from them.

The further attempts to protect neutral commerce by a more restrictive definition of blockade, by abolishing or by closely defining contraband of war, and by prohibiting the destruction of neutral prizes did not succeed in the Conferences ; but twenty-six of the nations voted for the radical British proposition to abolish contraband of war, and it was agreed that both belligerent and neutral prizes might be permitted by neutral powers to be sequestered within their harbors and thus saved from destruction. The encouraging discussion of these long-standing and knotty problems of international law resulted also in the meeting of a Naval Conference in London from December, 1908, to February, 1909, in which ten of the leading maritime powers participated, and in which agreements were arrived at very much in accord with those foreshadowed at The Hague.

In confining warfare within as narrow limits as possible the Conferences did not devote their attention exclusively to the assertion of neutral rights, but protected the belligerents themselves as far as possible against each other.

Under the gallant leadership of Dr. White and Mr. Choate, of the United States, twenty-one nations were induced to cast their votes in favor of prohibiting the capture of the private property of the enemy in warfare upon the sea; and although this American proposition failed of adoption, it has been so emphasized and popularized before the world that it will very probably be adopted by the third Conference of The Hague, or at least be agreed upon by the great majority of the nations in treaty between themselves. The first Conference forbade unanimously the destruction or seizure of the private property of the enemy in warfare on the land, unless imperatively demanded by the necessities of war, and in that case it shall be paid for. So great has become the conviction that the private property of belligerents should be protected as much as possible, even in warfare upon the sea, that the second Conference placed several restrictions upon its capture. It required that due warning to depart must be given to merchant ships which are found in the enemy's ports on the outbreak of hostilities, or which enter them or are captured upon the high seas in ignorance of the war; and that if they do not or cannot heed this warning, neither they nor their cargoes may be confiscated, but may only be detained until the end of the war or requisitioned on payment of compensation. The officers and crews of captured merchant ships are not to be made prisoners of war, provided they promise not to take part in the war. Boats used exclusively for fishing purposes, and all ships (even warships) engaged in scientific, religious or philanthropic missions were exempted from capture. The mail matter of both belligerents and neutrals was made inviolable, and must be

forwarded with the least possible delay in case the ship conveying it is detained or captured. And to prevent a return to the old practice of privateering, which was abolished by many of the nations in 1856, as well as to make piracy more difficult, it was provided that merchant ships transformed into cruisers in time of war shall acquire the rights and privileges of warships only when placed under state control, with a duly commissioned commander and a crew under military discipline and conformable to the laws and customs of warfare.

The most conclusive evidence of the growing regard for the rights of private property, even in warfare on the sea, was the establishment by the second Conference of the International Prize Court. This court will remove the capture of merchant ships still farther from the plane of piracy by permitting the presumably partial decision of national prize courts to be supplemented by the probably impartial decision of an international one, and will thereby emphasize the fundamental principle in international, as in national, law that a suitor shall not be a judge in his own cause.

Coming thirdly, and lastly, to the measures adopted for the prevention of warfare, we find in them the crowning glory of the Hague Conferences. They represent in very truth the Magna Charta of international law, and they embody the chief hope and the chief strength of the peacemakers of the twentieth century.

The first Conference was called to solve if possible the problem of increasing armaments, and the world jumped to the conclusion that a foolish attempt was to be made to usher in disarmament. This hasty conclusion almost discredited the Conference in the eyes of practical people, but

the proposition for disarmament was scarcely even alluded to. What was done in both Conferences was to strike in upon the consciousness of the nations the fact that in our day and generation the growth of armaments on land and sea is increasing faster than the growth of population in great cities or the concentration of wealth, and has brought every civilized land face to face with very grave financial, industrial, political and international perils. Both Conferences emphasized this fact in words of burning eloquence and made a solemn appeal to the governments to study this problem thoroughly and to find some solution of it before it precipitates a gigantic war whose prevention is the alleged reason for armament increase. This appeal has not met, as yet, with governmental response; but it is greatly to be hoped that, through the initiative of our own government, this great and burning problem may be solved before it be too late.

Our day has seen growing up, side by side with armaments on land and sea, the beginnings of armaments in the air. The final result to war or peace of this new development of human genius cannot yet be even guessed at; but both Conferences voted that the world should be spared, at least until the end of the next Conference, the expense, anxiety and incalculable danger connected with warfare in and from the air. It might help us to appreciate the significance of this prohibition by reflecting on the saving which would have accrued to the world from a prohibition of dreadnoughts by the First Hague Conference.

The irresistible power of publicity, which has been exerting its sway in such a remarkable manner in national affairs, was applied by the Conferences to international

affairs. After a long struggle in the first Conference it was agreed that the resort to international commissions of inquiry is a "useful" method of avoiding warfare, and in 1907 it was agreed that this method is "desirable" as well; but they were so hedged about with conditional phrases as to honor, vital interests and permissive circumstances that they were derided as mere pretense, or as a sop to Cerberus. Nevertheless they have already afforded another proof of the duty and success of raising a standard to which the wise and honest may repair; for, indorsed by the Hague Conference and made readily applicable by the adoption of a few simple rules of procedure, one of them enabled the great powers of Russia and Great Britain to settle speedily and peacefully the grave dispute concerning the Hull fishermen off the Dogger Bank. Reason, as well as experience, proves that if a thorough and impartial inquiry be made into international differences, and if the truth, the whole truth, and nothing but the truth be published, a decent respect for the opinion of mankind and an aroused national and *international* public opinion will compel "circumstances to permit" the peaceful settlement even of differences in which "honor and vital interests" are involved. "Investigate *before* you fight," was the demand of the Conferences; "investigate and you *won't* fight," — at least in nine times out of ten, — is the verdict of recent history.

The agreement adopted by the Conference that powers in dispute should have recourse to the good offices or mediation of one or more friendly powers before an appeal to arms, in case of any serious dispute and as far as circumstances permit, was supplemented by the further statement that the signatory powers consider it useful



that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances permit, offer their good offices or their mediation to the states at variance with each other. The restriction of this agreement by the phrase, "as far as circumstances permit," was considered an unfortunate one, but it was adopted because the Conference did not desire to attempt more than the powers could reasonably be expected to carry out.

When the principle embodied in these agreements is compared with the former jealous resentment of any "foreign intervention," which dominated international relations before 1899, the progress made by the Conference in the mere frank statement of it is apparent. But when it is recalled that, inspired by it, President Roosevelt extended the good offices of the United States government to Japan and Russia in their recent war and that the Peace of Portsmouth, New Hampshire, was the fortunate result, the value of this feature of the Convention of 1899 is proved by an accomplished fact of vast historic import.

The desirability of a more frequent resort to this means of avoiding or shortening a war was emphasized in the Conference of 1907, which adopted the words "and desirable" to the former statement that the powers consider good offices and mediation "useful." This slight addition to the phraseology of 1899 may not have directly the desired result of increasing the frequency of good offices and mediation, but it at least emphasizes the former statement that their extension, even during the course of hostilities, shall not be considered by either of the parties to the dispute as an unfriendly act. The

consistent adoption of this latter view, together with the growing conviction that the interests of one are the interests of all in the family of states, will increase the frequent use of this means of preventing war and insuring justice.

A treatise on international law, which is widely used as a textbook in this country and in England, was written by Professor Lawrence of the universities of Cambridge and Chicago, and was published a few years before the meeting of the First Hague Conference. That treatise devotes five pages out of six hundred thirty-six to a consideration of arbitration in all its phases, and these are confined to a discussion of the possibility of concluding a treaty of arbitration between Great Britain and the United States. A Permanent Court of Arbitration for all the world, with its Permanent Bureau, Advisory Council and Peace Palace at The Hague, an International Prize Court, obligatory arbitration of contractual indebtedness, and scores of obligatory-arbitration treaties between nations, to say nothing of a world treaty of obligatory arbitration and a Court of Arbitral Justice, are wholly outside the imagination of this brilliant author, whose book so quickly became antiquated; or are deemed so wholly imaginative and visionary as not to deserve mention. We need seek no more striking evidence of the advance registered by the two Hague Conferences than this simple fact. For all of these extraordinary institutions have been not merely dreamed of since 1899, but within the brief span of eight years most of them have been put into actual practice, and the remaining two have received the unanimous indorsement and are within the determined acquisition of the large majority of the nations.

A large number of international differences were submitted to voluntary arbitration during the century preceding the Conferences; but for the first time at The Hague the nations unanimously indorsed this peaceful and rational method of settling differences, and even went so far as to declare that when a serious dispute threatens to occur between two or more nations it is the *duty* of the other nations to remind the disputants that an easy recourse to arbitration is open to them, and to advise them, in the higher interest of peace, to resort to it. The assertion of this duty was re-enforced by the further statement that the disputants shall consider such reminder and advice only as an exercise of good offices and by no means an unfriendly act.

The advance registered by the Conferences in the direction of obligatory arbitration may be recorded in the words of Baron Marschall von Bieberstein of Germany, who said in the second Conference: <sup>1</sup> "At the first Peace Conference the German delegate declared in the name of his government that experience in the field of arbitration was not of a kind to permit an agreement at that time in favor of obligatory arbitration. Eight years have passed since that declaration, and experience in the field of arbitration has accumulated to a considerable extent. The question has been, on the other hand, the subject of profound and continuous study on the part of the German government. In view of the fruits of this examination, and under the influence of the fortunate results flowing from arbitration, my government is favorable today, in principle, to the idea of obligatory arbitration. It has confirmed the sincerity of this opinion by signing

<sup>1</sup> Deuxième Conférence de la Paix, actes et documents, II, 286.

two treaties of permanent arbitration, one with the British government, the other with that of the United States of America, both of which include all judicial questions or those relative to the interpretation of treaties. We have, besides, inserted in our commercial treaties concluded within recent years a compromissary clause for a series of questions, and we have the firm intention of continuing to pursue the task in which we are engaged in concluding these treaties. In the course of our debates the fortunate fact has been mentioned that a long series of other treaties of obligatory arbitration has been concluded between various states. This is genuine progress, and the credit of it is due, incontestably, to the first Peace Conference."

Our great American Secretary of State, Elihu Root, in his instructions to the United States delegation to the second Conference, also alluded to the many separate treaties of arbitration between individual countries, and said that "this condition, which brings the subject of a general treaty for obligatory arbitration into the field of practical discussion is undoubtedly largely due to the fact that the powers generally in the First Hague Conference committed themselves to the principle of the pacific settlement of international questions in the admirable convention for voluntary arbitration then adopted."

The second Conference did not succeed in agreeing upon a world treaty of obligatory arbitration, but thirty-five of the nations voted for such a treaty, and those who opposed it did so on the ground that it might retard the growth of obligatory-arbitration treaties between the nations separately; while forty-two of them declared their conviction that certain classes of international

differences are capable of being submitted to obligatory arbitration without any restriction whatsoever.

The principle of obligatory arbitration was strikingly applied by the second Conference in its adoption of the Porter proposition, which requires the submission to arbitration of disputes relating to contractual indebtedness before the use of force for its collection is permissible. This was one of the greatest achievements in the history of diplomacy, and reflects undying luster upon its chief advocate, our own illustrious general and diplomatist, Horace Porter. The advance registered by it is especially appreciated by Latin America, which has been too often the prey of unscrupulous foreign promoters, and by our own republic, whose peaceful enforcement of the Monroe doctrine is greatly facilitated by it.

The German proposition to establish an International Prize Court electrified the second Conference by its novelty and significance, but, despite the knotty problems of sovereignty and equality involved in it, the Conference enthusiastically and, with the exception of one vote, unanimously adopted it. The establishment of an international high court of justice functioning as a court of appeal from national courts in cases of merchant ships captured in naval war was, for several reasons, one of the second Conference's most important achievements. It is the first truly *international court* established in the history of the world. Its decisions will be a fruitful source of maritime law. It will remove a fertile cause of disputes between the belligerents themselves, and between them and neutral nations, and will thereby lessen the bitterness of wars once begun and prevent the outbreak of others. The unanimous adoption (with the exception

of Brazil's vote) of its method of selecting judges will pave the way for the solution of the same question in regard to the Court of Arbitral Justice. By supplying in time of war a regular adjudication of one very important and delicate class of international differences it will serve as an inductive argument and give a strong impulse to the establishment of the Court of Arbitral Justice for the adjudication of all classes of international differences in time of peace. And, finally, its establishment has already given rise to one important international naval conference, that in London in 1908-1909, which will doubtless be followed by others, designed to fill up the gaps and strengthen the weak spots in the maritime law of nations, and thus to afford the new International Prize Court a more solid legislative foundation upon which to erect its structure of judicial decisions and precedents.

The institution established by the Conferences at The Hague which stands out pre-eminent in the mind of the nations is the Permanent Court of Arbitration. This pre-eminence is deserved; for, although this institution is not truly permanent nor is it a genuine court, yet it is the pioneer of its race and has already proved itself of incalculable utility, having settled four important international differences and attracted six others into the path toward peaceful solution.<sup>1</sup> Like the Magna Charta of England and the Constitution of the United States, it is the corner stone of the edifice of international law and justice which will be erected in the future; while its establishment is a tangible evidence of the fact that national governments, whose duty it is to enforce law

<sup>1</sup> This was written in 1909. The number of cases tried through October, 1912, was twelve.

and justice within their own territories, themselves recognize the eternal and universal validity of those principles upon which their own reason for existence and claim to allegiance are based. A national observance of international law and obedience to international justice cannot fail greatly to strengthen individuals' observance of and obedience to national law and justice. The advance registered, then, by the Permanent Court of Arbitration and the admirable code of procedure adopted for it is of profound significance upon both the national and the international scale.

The Court of Arbitral Justice, although not set in operation by the second Conference, constitutes the international Promised Land of the world to-day. A truly permanent and a genuine court, with a prestige based upon consecutive decisions and a consistent interpretation of international law, was a great, a path-breaking idea. The potency of great ideas in human history needs not to be argued. Now this idea, although abandoned as impracticable by the first Conference, was introduced in the second Conference only eight years later, and was explained, attacked, defended and almost unanimously accepted as both desirable and practicable. Some of the ablest of international jurists collaborated in the task of advocating that idea and giving to it form and substance. The concrete results of their labor were adopted by the Conference and are published not as a vermiform appendix but as an essential annex to the Final Act. Not only will the idea of such a court henceforth stand behind the wrong of warfare, but it will inevitably rule the future. The court itself, fashioned and wrought out in all but one of its details, needs only an agreement

as to the appointment of its judges, and when this breath of life is breathed into it by *any* number of the nations, it will at once spring into beneficent activity. Its operation does not require unanimity among the nations, as did so many other features of the Final Act of The Hague; nor does it require even a two-thirds acceptance, as did the Constitution of the United States; but the moment when two or more powers agree upon the appointment of its judges, it will open its doors for the pacification of disputes. Even though constituted by only two powers, it will be known as the Court of Arbitral Justice at The Hague, and, like a city set upon a hill, it will eventually draw to it all nations seeking to escape the evils of warfare. It was greatly to be desired, of course, and it is still greatly to be desired, that its operation should come as the result of unanimous agreement. But even from this point of view it should be noted that the Conference voted unanimously the recommendation that the governments should adopt not *some* court but this particular Court of Arbitral Justice, and put it into operation as soon as they could agree upon the choice of its judges.

Two great Americans, Elihu Root and Joseph H. Choate, were the Moses and Aaron who led the second Conference into the path toward this Promised Land; the Conference as the result of infinite toil has led the world across the desert to the Jordan; and now it is the growing hope of the civilized world that Philander Chase Knox will be the Joshua who will lead it across that one last river, the difficulty, namely, as to the appointment of the judges.

Looking back upon this brief summary of the work of



the two Hague Conferences, we must admit that the past at least is secure. The alleviation and prevention of many of warfare's former horrors, its restriction within narrow limits, the protection of noncombatants and neutrals from its ravages, the assertion of principles and the establishment of practices for its prevention and for the enforcement of justice, such were the great achievements of these two epoch-making events in the world's history. There they stand in all their undying luster, so that he who runs may see that they have afforded to the peace workers of our time a new and *positive* program, on which every true believer in international peace, of no matter what complexion his belief may be, can find room and opportunity for labor, and the realization of which will not only make present armaments as obsolete as would a fleet of aircraft, but will at last usher in a reign of law and justice within that No Man's Land of international relations. When the traveler in some distant time shall stand beside the Palace of Peace in The Hague, and shall look out over a world in which the hoary forces of warfare have been permanently diked within the channels of peaceful commerce, when he shall hear the voice of international justice rolling forth to every clime and corner of the world, and shall know that the writ of the Court of Arbitral Justice runs freely and unquestioned from the mountains of Venezuela to the shores of the Adriatic and the Golden Horn, then will he clearly see what our less-seeing eyes can only dimly see — the full richness of the harvest of peace and justice that sprang from the seed which the two Hague Conferences sowed.

## II

### THE UNITED STATES AND THE HAGUE CONFERENCES <sup>1</sup>

The new Peace Movement began practically with the two Peace Conferences held at The Hague in 1899 and 1907. The part played by the American delegations in these two epoch-making Conferences should be known to every good American, not merely because the work done by them as a whole is most creditable to their statesmanship and humanity and therefore a source of justifiable and lasting pride to Americans, but also because a knowledge of what they accomplished and attempted should lead to the putting forth of every possible effort to accomplish what yet remains to be done.

I shall present the record of this work very briefly under six heads — the limitation of armaments, warfare in the air, on the land, and on the sea, the settlement of international disputes by peaceful means, and the summoning of the third Peace Conference.

In 1899 the American delegation voted to have the question of limitation of armaments referred to the governments for serious study; and in 1907 it insisted upon its right to introduce the subject for discussion, although it had not been mentioned on the program issued by the Russian government, and it also supported

<sup>1</sup> Published as Pamphlet No. 2 by the Maryland Peace Society, 1910.

the British proposal that the subject should again be commended to the earnest attention and serious study of the governments with the view to finding some means of checking a further increase in, and if possible reducing, the present heavy burden which armaments press down upon the shoulders of every civilized people.

The position of the American delegation in regard to warfare in the air was midway between the proposal to prohibit this warfare forever and the proposal to subject it to no other restrictions than those imposed upon warfare on the land and on the sea; that is to say, the American delegation at both Conferences advocated and voted for the *temporary* prohibition which was decided upon.

Most of the measures adopted and proposed for the alleviation of the horrors of warfare on land received the Americans' support. They advocated the revision of the Geneva Convention, and participated in that revision which occurred in 1906 and which gave greater scope to the humanitarian activities of the Red Cross societies. They supported the requirement that a definite declaration of war shall be issued before hostilities are begun, binding our Congress as well as our executive to this requirement; but they opposed a proposition that hostilities should not begin until a prescribed time shall elapse after the declaration is issued. They supported the provision that the cost of maintaining prisoners of war shall not be deducted from the wages paid to them upon their release. The part of the American delegation's record most to be regretted, in regard to the alleviation of the horrors of warfare, was its rejection in 1899 and its refusal to accept in 1907 the prohibition

which all the rest of the civilized nations of the world have agreed upon, the prohibition, namely, of the use of "dum-dum" bullets and of projectiles whose object is the diffusion of asphyxiating gases.

In connection with warfare upon the sea the American delegation played a part of considerable importance. It participated in the application of the Red Cross rules to warfare upon the sea; it advocated in the interests of neutral nations the restrictions of the use of submarine mines by belligerents; it advocated the prohibition of the bombardment of undefended ports and buildings; it supported the measures adopted for the protection of the rights of neutral commerce and for the restriction of belligerent warships in neutral ports; and it opposed the destruction of neutral prizes, even though the prize which could not be taken to some port would of necessity be permitted to escape. In neither of the Conferences did the American delegation adhere to the Declaration of Paris, which forbade a resort to privateering and to which most of the other nations of the world have acceded; but in both Conferences it championed the exemption from capture of private property in time of war upon the sea, whether by warships or by privateers. In the first Conference this great American proposition was ably championed by Ambassador White, but was not brought to a vote; in the second Conference it was ably championed by Ambassador Choate, and secured an affirmative vote of 21 out of 32 delegations voting. On the question of blockade and contraband the American delegation did not keep pace with the most advanced propositions made at The Hague by the Italian and British delegations; but in the conference at London,

which occurred in the winter of 1908-1909, our government supported the compromise measures which it supported at The Hague and which were adopted at London.

In the support of the measures proposed and adopted for the settlement of international disputes by peaceful means the American delegation won undying glory. It supported the measures designed to facilitate the extension of mediation and good offices to disputants by disinterested governments; and it suggested and secured the adoption of the device of "special" mediation, from which so much has been and still is hoped for in the prevention of warfare. It not only supported vigorously the provision of international commissions of inquiry, designed to ascertain the exact truth in cases of international disputes, but it also urged that the report of such commissions should leave the powers in dispute entire liberty to pursue one of two courses, namely, to conclude an amicable arrangement or to resort to the Permanent Court of Arbitration at The Hague.

The American delegation gave its support to the Permanent Court of Arbitration, and its spokesman on that occasion, Mr. Holls, delivered an eloquent address expressing the profound interest of American citizens in the promotion of arbitration, and asserting that the delegation in that matter looked upon itself as bound by a most solemn moral obligation incurred not between the governments but between the peoples of the civilized world. Mr. Holls also performed a most important service in visiting the German capital and assisting to procure for the Court the necessary adhesion of the German Empire. The French proposition that the Conference should declare it to be a *duty* to remind any

members of the family of nations which may fall into dispute that the Permanent Court of Arbitration is open to them, was also vigorously supported by the American delegation, and it was stated by its spokesman that the adoption of the resolution recognizing such a moral duty would result in the opening of a new era, in which the solidarity of nations would be recognized in practice as in principle, and in which the nations would really act upon the truism that the interest of each is the interest of all. In the Conference of 1907 the American delegation was the foremost champion of a general treaty of obligatory arbitration, and succeeded in securing for the principle of obligatory arbitration a unanimous vote. It stood also for the widest possible scope of obligatory arbitration, and although it did not succeed in securing the adoption of a general treaty providing for the obligatory arbitration of specific classes of cases, it nevertheless achieved the epoch-making triumph of securing the adoption of the Porter proposition, which provides for the obligatory arbitration of international indebtedness before the use of force is resorted to. It also was the author and champion of the plan for establishing a Court of Arbitral Justice which should be truly permanent and truly judicial; and thus, although it did not secure the adoption of this court, it has held up before the nations the next standard toward which international progress must advance. It assisted the German and British delegations to devise the various parts of the International Prize Court which has been adopted by the nations, and which our Secretary of State has endeavored to convert into the Court of Arbitral Justice which our delegation strove for at The Hague.

Finally, it was through the initiative and diplomacy of the American delegation that the second Conference decided to provide for the meeting of the third Peace Conference at The Hague, thus making the meeting of that assembly independent of the vicissitudes or whims of any one nation, and doing much to assure for the future a continuous series of Hague Conferences, which will act as the source of international legislation and as the solvent of many international problems.

Looking back on this brief history of America's work at The Hague, we may say with truth and with justifiable pride that the past is a chapter of great achievements, while the future is full of great possibilities. The burning question before us to-day is this: Is the future to be worthy of the past, and are its possibilities to be realized? The answer to this question will depend largely upon the attitude of mind and the efforts of American citizens; and all that our fellow countrymen need to nerve them to the achievement of the task before them is a campaign of education in which the truth about the past and the possibilities of the future may be brought home to them. There is no better place to begin this campaign of education than in this great institution of learning<sup>1</sup> whose congenial soil has nourished many another great ideal, and in this city of Baltimore, the birthplace of that immortal song, "The Star-Spangled Banner," which has given expression to the ideals represented by our country's flag in the minds of Americans of the past century.

Would that a new and greater Francis Scott Key might arise to write a song interpretive of the ideals of our flag for our own generation! When I was attending

<sup>1</sup> This address was first given at Johns Hopkins University.

the twenty-fifth annual meeting of the American Historical Association in New York last week, there was given, in the Hotel Waldorf, a luncheon for about one thousand members of the association and some ten or twelve representatives from foreign institutions of learning. It was of interest to me to observe that the most prominent and, it seemed to me, the most appropriate decoration of the hall on that occasion was the Peace Flag of America, the Stars and Stripes with a border of pure white. In the evening, in that same hall, there was given a series of historical tableaux, one of which was the representation of a portrait of Francis Scott Key. The youth who impersonated the portrait was the grandson of Francis Scott Key; and as I looked upon his features, said to be so like those of his immortal grandsire, and upon the folds of the Star-Spangled Banner which he held in his hand, facing as he did the American Peace Flag, I could not but believe that here was a graphic representation of the ideals of our country's past and a shadowing forth of the ideals of its future.

In conclusion I will mention briefly the American ideals which were advocated by the American delegation at The Hague, and which have become the ideals for whose realization in the immediate future our American Peace Flag may well be the emblem.

First, a restriction of armaments, not merely because they are an enormous burden upon the world's industry and a menace to the social stability of every nation, but because they are a constant menace to the world's peace and the prime obstacle to the administration of international justice by means of the Court of Arbitral Justice, or indeed by any peaceful and judicial means whatsoever.



Second, the determination that the warfare of the future shall not fill with its malign bulk the element of the air, as it has done in the past the land and the seas.

Third, that until warfare upon the land has been entirely abolished it shall be more closely restricted by means of a prolonged interval between the declaration and the beginning of hostilities; and by means of the prohibition of "dum-dum" bullets, asphyxiating gases, and all other savage and unnecessarily cruel means of injuring the enemy.

Fourth, that warfare upon the sea shall be more stringently controlled in the interests of neutral commerce, and especially by the exemption from capture of private property upon the sea.

Fifth, that America shall consider it her chief duty as a world power to extend her good offices in case of difficulties between other members of the family of nations; to be ready to accept the mediation proffered by other nations for the solution of her own disputes; and especially to fulfill the duty which she admitted in common with the rest of the world, namely, that of influencing all nations at variance with each other to resort to the Hague court of arbitration or other peaceable means of settling international disputes.

Sixth, that America shall act upon her belief in the truth of this University's motto, written here before you (*Veritas vos liberabit*), and shall be always ready to resort to international commissions of inquiry in order to ascertain the exact truth and to become freed from prejudice and passion, and in order to see to it that justice rather than diplomatic triumph shall be the keynote of our international relations.

Seventh, that American delegations of the future shall continue to strive for the adoption of a treaty of obligatory arbitration which shall embrace every member of the family of nations, and which shall include every possible kind of dispute between them.

Eighth, that for the judicial determination of every international dispute the international Court of Arbitral Justice, so splendidly initiated by the American delegation at The Hague, shall be speedily and securely established.

And, finally, that America shall see to it that an unbroken line of Hague Conferences shall be held, which shall be the bulwark of international liberty and international justice as surely as the unbroken succession of the British Parliament and the American Congress is the bulwark of Anglo-Saxon liberty, law and order.

### III

## THE UNITED STATES AND LATIN AMERICA AT THE HAGUE<sup>1</sup>

The corner stone of international law is the equality of sovereign states. This principle has been accepted as fundamental and essential by international and national jurists alike, from the second quarter of the seventeenth century, when Hugo Grotius asserted it in his immortal "De Jure Belli ac Pacis,"<sup>2</sup> to the second quarter of the nineteenth century, when Chief Justice Marshall emphasized it in the words, "No principle of general law is more universally acknowledged than the perfect equality of nations."<sup>3</sup>

In this first quarter of the twentieth century there is not only a disposition to deny the reality of this principle, but it has been flatly, almost resentfully, denied by various publicists.<sup>4</sup> Thus Professor Lawrence of Cambridge and Chicago has said: "The doctrine of equality is becoming obsolete and must be superseded by the doctrine that a primacy with regard to some important matters is vested in the foremost powers of the civilized world. Europe is working around again to the old notion of a

<sup>1</sup> Published as Pamphlet No. 44 by the American Association for International Conciliation, 1911.      <sup>2</sup> De Jure Belli ac Pacis, II, xxii, 13-14.

<sup>3</sup> The *Antelope*, 10 Wheaton, 66.

<sup>4</sup> T. J. Lawrence, *The Principles of International Law* (third edition, 1906, p. 242); see also a discussion at the third annual meeting of the American Society of International Law, held in Washington, D.C., April, 1910, in the *Proceedings of the Society*.

common superior, not indeed a pope or an emperor, but a committee, a body of representatives of her leading states. On the American continent a similar primacy, though hardly of so pronounced a character [as that of the six "great powers" of Europe], seems to be vested in the United States."<sup>1</sup>

The reasons for this changing view are not far to seek. The intervention of the great powers of Europe in the domestic affairs of various small powers has been impressive and frequent, from 1819 and 1821, when the Holy Alliance snuffed out liberty and union in Germany and Italy, down to the recent "arrangements" of the great powers for the conduct of affairs in Persia, Manchuria, Macedonia and Morocco. The "big stick" of our own republic, too, has cast a larger and larger shadow over this hemisphere, from 1895, when Secretary Olney asserted that "to-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition," down to the revolution of November, 1903, when the province of Panama seceded from Colombia and became, under the ægis of the United States, a free and independent republic. By such application of the primacy theory have some of our American statesmen endeavored to call into being a "great power" in the New World to redress the balance of the six "great powers" in the Old.

Many of the facts, then, of recent international relations seem to militate against the validity of the old principle of the equality of sovereign states; and those who seek for international law solely in the facts of international practice reject this old principle from the new science.

<sup>1</sup> See note 4 on preceding page.

But there is another and even more potent reason for this changing view. There are certain great objects which some of the "great powers" are now seeking earnestly to secure, and which some of the "small powers" have thus far successfully resisted. These objects have to do chiefly with the development of certain phases of international legislation and jurisdiction which came into prominence at the Second Conference at The Hague. Discouraged or despairing in the face of this resistance, the advocates of these measures, who are nationals of one or another of the "great powers," have lost all patience with the principle of equality which controlled the procedure at The Hague, and, throwing this principle overboard, have launched an attempt to secure their objects without the consent of, or even consultation with, the "little fellows" in the family of nations. Our own country, which has won lasting credit and renown for its leadership or advocacy of the measures referred to, seems also at times to be losing patience with the apparently slow progress of some of our Latin American neighbors, not only in the establishment of stable governments at home, but also in the acceptance of the proposed measures of international progress.

It is essential, then, in justice to the principle of international equality which has been the nominal guide of the past, and which is still cherished as fundamental in some quarters of the world, and it is essential in estimating aright the value of the principle of "great-power primacy" which threatens to rule the future, to have clearly in mind the facts of the alleged resistance of the Latin American republics offered at The Hague to the measures proposed by their sister republic of the North.

When the British and United States delegations made their successful effort to induce the Conference to urge upon the governments the serious study of the possibility of an agreement as to the limitation of armed forces, their effort was materially aided by the inductive argument that Argentina and Chile had already made such an agreement.<sup>1</sup> Thus did a Latin American incident of recent years re-enforce the Anglo-American application of the same principle on the Canadian border line nearly a century ago, and the Anglo-American championship before the Conference of the idea that the time may have come for the application of the principle on a world scale.

The declaration of the Conference prohibiting a resort to warfare in the air, before the end of the next Conference, was adhered to by the United States and by twelve of the eighteen Latin American delegations; and the other six,<sup>2</sup> which voted against the declaration or abstained from voting at all, were influenced in this action by their kinsmen, the Frenchmen and Spaniards, and also by the consideration that the advantage of the "great powers" in the possession of dreadnoughts might be nullified by the use of some new and relatively inexpensive device of the "birdmen." That so large a proportion of Latin America adhered to the prohibition is greatly to the credit of their humanity. The various agreements designed to mitigate the horrors of warfare on land, which were supported by the United States, received the Latin Americans' support as well. In regard to the prohibition of "dum-dum" bullets, or bullets

<sup>1</sup> The Chile-Argentina treaty of 1902 for the limitation of armaments was read to the Conference during the discussion of the question of armaments, and was received with vigorous applause.

<sup>2</sup> Chile, Guatemala, Mexico, Nicaragua, Paraguay and Venezuela.

which expand or flatten easily in the human body, Latin America has outstripped our own republic in its acceptance. Indeed, the United States now stands alone among all the world's nations in refusing to adhere to this prohibition, which is so imperatively dictated by the voice of humanity.

Latin America was also abreast with the best thought of the Conference in regard to the treatment accorded to prisoners of war. Two Cuban propositions that prisoners of war may be kept in confinement only as an indispensable measure of safety, and only during the circumstances which necessitate their confinement, and that a special bureau of information shall procure and furnish to the prisoners' governments all desirable particulars concerning them, were adopted unanimously; and thus was recorded on the statute book of the nations a prohibition of two heart-rending evils from which Cuba has suffered pre-eminently during the past century. The United States and Panama were the only American republics (and two of the six delegations) which voted in favor of the Japanese proposition, that prisoners of war may be deprived of maps, bicycles and means of transportation for military purposes, in addition to their arms, horses and military papers.

Very much the same story is to be told of Latin America's participation in the measures designed to mitigate the horrors of warfare on the sea, as in the case of warfare on land and in the air. The American republics were unanimous (with the exception of the Dominican Republic) in favor of prohibiting the use of unanchored automatic submarine mines, unless constructed in such manner as to become harmless within

one hour after their control has been lost; they were unanimous in favor of forbidding the use of anchored mines which do not become harmless as soon as they break their cables, the placing of mines along the coasts and in front of the ports of the enemy with the sole purpose of intercepting commerce, and the use of torpedoes which do not become harmless when they have missed their aim. Thus the "small powers" as well as the "great power" of America refused to follow the lead of Germany and Italy which championed the view of states possessing relatively small navies, that the use of mines and torpedoes, those "demons of the sea," should not be "unduly" restricted. The credit of adapting the Geneva Convention, or the Red Cross rules, to warfare upon the sea, which was one of the most noteworthy achievements of the Conference, was shared in unanimously by the American republics. Latin America voted unanimously for the proposition of the United States that the bombardment by a naval force of undefended towns, villages or buildings should be prohibited.

The fact that Latin America failed to follow the lead of the United States in its important attempt to abolish the capture of private property in warfare on the sea was due partly to the failure of the United States itself to adhere to the Declaration of Paris, which prohibits privateering,<sup>1</sup> but chiefly to the fear on the part of the "small powers" lest they should be deprived, through

<sup>1</sup> One of the Colombian delegates, in allusion to this fact, contrasted the recent policy of the United States in building up a large navy while its merchant marine has been dwindling, with the policy of a small navy and a large merchant marine which marked the "good old days when the United States was the disinterested defender of the principles of justice and humanity."



the proposed abolition, of an important means of preventing a "large power" from declaring war against them, or of harassing it in case war should occur. This question will doubtless be settled at the third Conference, and it may safely be prophesied that Latin America, under the leadership of the United States and Brazil, will join the rest of the world in abolishing from naval warfare both privateering and all capture of private property.

Meanwhile Latin America has joined unanimously with the Old World in the agreement to give merchant vessels due warning and fair play at the opening of hostilities, the United States standing alone on this question, for the reason that it is unwilling to accept any compromise short of the entire exemption of private property from capture.

Great Britain's epoch-making proposal to abolish the capture of contraband of war found on neutral vessels was supported unanimously by the American republics, with the exception of the United States, which voted against it, and of Panama, which abstained from voting at all.

On those questions of neutral rights and duties which the Conference considered, we find approximate unanimity between the United States and Latin America; and in the main the New World participated unanimously in that great achievement of the Conference by which the rights of neutrals were vigorously asserted and carefully protected against the devastations and the overweening demands of nations at war with each other.

When we leave the subject of the restriction of the evils of warfare, and take up those measures for the prevention of warfare which have made the Hague Conferences

forever illustrious, we find that Latin America did much that is worthy of praise and some things that have caused her to be bitterly censured. Whether this censure, in its bitterness or volume, is deserved, let a candid study of the facts reveal.

The proposition of the United States for the world treaty of obligatory arbitration embracing all disputes with the exception of those affecting "vital interests, independence and honor" was championed by Argentina, Brazil, Chile, Mexico, Peru and Uruguay; and the support that came from Latin America to the American Portuguese proposition for a world treaty of obligatory arbitration embracing as many as possible specified classes of disputes was quite as pronounced as any that came from the rest of the civilized world. Among the addresses delivered in support of obligatory arbitration that those of Ambassador Choate and Dr. Drago represented the most convincing. When, at the end of the first discussion, the Conference adopted a resolution expressing its acceptance of obligatory arbitration "in the bench and the United States delegation refused to vote upon the resolution as a surrender of the advanced position; upon the a majority had occupied during the discussion, I. Barbosa of from Haiti shared its sentiments and its protest of this grieved isolation in a minority of two. He used his oppo-

The effort of the first Conference to favor the making of the to voluntary arbitration was re-enforced at the second Conference by a proposition made by Peru. The Court by unanimous vote, except for the abstention of Spain and Turkey. This proposition was strongly opposed by powers in dispute, instead of taking the vote for the step of proposing arbitration to its origin in American

merely notify the International Bureau at The Hague of its willingness to arbitrate the dispute, and that the Bureau should then bring the arbitration to pass. Ambassador Choate warmly supported Peru's proposition, and in the course of his address remarked, "No one, doubtless, has forgotten how a happy application of its principle has succeeded several times in preventing wars ~~that were~~ to break out between several South American states, or in shortening such wars."

The great American triumph of securing the adoption of the Porter proposition, which obligates a resort to arbitration in the collection of contractual indebtedness before a resort to force is permissible, was made possible to its champion, the United States, only through any truly generous support of Latin America. When it is remembered that for years before the Conference as-

Grand, the rival Drago doctrine, which goes further than the Porter proposition in the prohibition of force, supported ably and eloquently expounded by the learned Argentine, and had been very widely accepted in Latin America; and when it is remembered

On those America had come to the Conference almost unanimously. Determination to secure the adoption of it between the doctrine, generosity and importance of its in the main the Porter proposition may be better appreciated in that great Latin American delegations Venezuela's the rights of none which did not vote for it, but abstained fully protected all; nine of them, however, while accepting the demar proposition as far as it goes, still adhered

When we lead doctrine as their ideal to be realized in the of warfare, and his first delegate, M. Barbosa, supported the proposition and rejected the Drago doctrine,

and in the course of a long address made a noteworthy contribution to the science of government in the form of a keen and learned critique of that feature of the United States Constitution which shields the "sovereignty" of a state against a suit being instituted against it without its consent.

The establishment of an International Prize Court is generally considered one of the best achievements of the Conference, and this court, proposed by Germany and constructed largely from United States materials, was voted for by all the American republics, with four exceptions (Brazil, Dominica, Nicaragua and Venezuela, which abstained from voting at all). Of the fourteen Latin American republics which voted for it, seven reserved their consent to the method provided for the selection of judges. This method of selection was that the eight "large powers" should always be represented on the court, and that the "other powers" should each appoint one judge for a term of six years; but that since only seven of the latter judges could sit upon the bench at the same time, their term of actual service would be from one to four years, this term depending upon the ranking of each of the "other powers." M. Barbosa of Brazil was the able and persistent opponent of this method of choosing the judges, and he based his opposition upon the twofold ground that the ranking of the powers was arbitrary and unjust, and that it violated the principle of the equality of sovereign states. The Court of Arbitral Justice, which was proposed and championed by the United States, was also vigorously opposed by M. Barbosa for the same reason. In the vote for the Court of Arbitral Justice eight of the Latin American

republics stated that they would accept the court only on the basis of international equality.

M. Barbosa, the leader of the opposition to the prize court and the Court of Arbitral Justice, denied emphatically "the quarrelsome humor, the political imbecility, and the hostility to the United States," which had been attributed by the newspapers to him and the country which he represented, and reminded the Conference of the cordial support which the Brazilian delegation had accorded to nearly all of the propositions made by the United States. His conscientious, able and statesman-like opposition to the two courts was rendered even more moderate by the ironical and cynical opposition of two "small powers" of Europe.

When a summary statement is made of the co-operation in the Conference on the part of the United States and Latin America, it is seen that the two Americas worked together in the solution of the following fourteen questions: the program, the limitation of armaments, the restriction of warfare in the air, the declaration of war, belligerents, prisoners of war, submarine mines, naval bombardment, neutral rights and duties, mediation, commissions of inquiry, the extension of obligatory arbitration by means of a world treaty, and, most important of all, the adoption of the Porter proposition and the summons of a third Conference. The two Americas diverged on the following eight questions: "dum-dum" bullets, blockade, contraband, the transformation of merchant vessels into warships, the delay of favor, the exemption of private property from capture and the courts of prize and arbitral justice. On the first five questions in the latter group Latin America is in line with the

most progressive members of the family of nations, while the United States still lags behind. On the great proposition of the United States to exempt private property from capture, four Latin American states (including Argentina) voted against it, three (including Brazil) voted for it, and the rest abstained from expressing their still undecided opinion. On the great proposition of Germany for the establishment of the prize court, fourteen of the Latin American states voted with the United States for it, seven of these reserving their acceptance of the plan of selecting the judges. And on the great proposition of the United States for the establishment of a Court of Arbitral Justice, eight of the Latin American states voted in favor of it on condition that some plan shall be found for conserving in it the principle of the equality of states.

In view of these facts, there is no question that Latin America has deserved well of our republic. With her continental domain and unmeasured resources her future is capable of being wholly worthy of the New World. For the present our gratitude and our patience are alone justifiable — our gratitude for what she has done to aid the new internationalism of our time; our patience with her present attitude toward a Court of Arbitral Justice. Meanwhile let us fervently hope and strive that our own republic shall advance steadily and surely toward certain standards of international ethics which are still some distance ahead of us.

## IV

### ONE PERIL OF THE NEW PEACE MOVEMENT

When a ship which has traversed an uncharted ocean is finishing her voyage and entering some unknown port, it behooves her captain, pilot and crew to be especially watchful lest at any moment she strike her prow upon some hidden reef. So it is with the Peace Movement of our time. Its advocates have seen it sail so swiftly, within the past dozen years, over such notable leagues of progress that its haven already looms ahead and the lower lights are seen upon the shore. But between its present position and its promised haven there lie perils which must be avoided if the voyage is not to end in shipwreck or be deflected far down the coast or back to sea. Eternal vigilance must ever be the price of genuine and lasting success.

The peril of the Peace Movement which it is the design of this brief paper to emphasize is the strong and growing desire to throw overboard the principle of the equality of sovereign states. This principle has been regarded as an essential plank in the ship which has borne the family of nations from the "De Jure Belli ac Pacis" of Hugo Grotius to the Second Conference at The Hague.

It is quite easy to understand why there should be at the present time an especially strong demand that this principle, hitherto cherished by all the world and regarded as fundamental in international relations, should

now be discarded. When it is seen, for example, that some of the "great powers" are earnest advocates of a world treaty of obligatory arbitration and of the Court of Arbitral Justice, and that these two great steps are blocked at the Hague Conference and afterward by an adherence to the principle of the equality of sovereign states, it is entirely explicable that the advocates of these measures, especially if they happen to be citizens of the "great powers," should grow impatient with the Old World principle noted, and denounce it as henceforth a rule in international relations.

On the other hand, it is entirely natural that the "small powers" and the "great-power" opponents of the two measures should combat this impatience and denunciation and call to the support of this almost world-old principle all the reasoned common sense of the international law of the past, as well as the danger of incurring evils we know not of by departing from it in the future.

To the student of American history this international controversy recalls vividly the controversy which raged on the eve of the formation of our republic, and which, until it was allayed by a happy compromise, threatened to dissolve the Constitutional Convention and to dissipate all hopes of forming the Union. In the arguments of those Americans, Britons and Frenchmen who are now urging the repudiation of the principle of the equality of sovereign states, in the interest of progress, we hear echoes of the Virginia, Massachusetts and Pennsylvania arguments for "representation according to population"; in the arguments of those Latin Americans, Central Europeans and Balkan peoples who are now defending



the equality of sovereign states, in the interest of present legal status and historic right, we hear echoes of the Maryland, New Jersey and Delaware arguments for the "equal representation of states." The Connecticut Compromise solved the problem for America and enabled our Union to be born. A new "Connecticut Compromise" is clearly needed to solve this international problem of to-day. Without it no permanently peaceful and successful union was possible for us in 1787; without it no permanently peaceful and successful arbitral court and jurisdiction are possible for the world to-day.

The Constitution of 1787 provided for the inauguration of the Union on the adoption of it by nine of the thirteen states; but the Union was not entered upon until eleven states had adopted it, nor did it seem entirely assured until little Rhode Island had entered it. To override the objections of the "small powers" to-day, or to forge ahead regardless of them, will not result in permanent triumph for the peace cause. Adequate provision must be made by which they may adhere voluntarily in the future to the new court and its jurisdiction. And much more than this: The night of partial alliances is passing; the day of approximate unanimity of the family of nations in conference at The Hague has dawned. The permanent steps of international progress must be taken within the Conference, or the Conference itself will come to an end through the refusal of states to participate in it, and those measures decided upon outside of it will be constantly caballed against and will give rise to hostile alliances of malcontents both within and without the agreement.

An upper house of the Hague Conference must be

formed, based upon the equality of sovereign states, but amenable, as is the United States Senate, to the will of the peoples; a lower house of the Hague Conference must be formed, based upon direct representation of the peoples. Whether this direct representation shall be according to population, to foreign commerce, to merchant marine or to "power," some new Ellsworth, Sherman or Madison must convince us. But its solution must be found, if the union auspiciously begun at The Hague shall develop — like the union of 1789 out of the Continental Congress — into a genuine and helpful international union; and when found, it will promote both the swift and the permanent establishment of international peace.

Meanwhile the "world" view must triumph in the councils of the nations, as the "continental" view triumphed in the councils of our fathers; successful world measures must be agreed upon in an assembly of all the nations, with due regard to the equality of sovereign states, just as our great steps of national progress have been taken in a national assembly with due regard to the equality of the constituent states. Of course the day may come when all the "little fellows" may coalesce, as in the case of the Latin American and Balkan peoples, and when the family of nations may consist of a dozen "great powers" only. But that time is not yet; and even when it does come, there will still be need, unless absolute uniformity shall have been attained among the dozen "great powers," for the "international Connecticut compromise" which is so sorely needed at the present time.

## V

### THE ABOLITION OF TRIAL BY BATTLE<sup>1</sup>

When Clio, the muse of history, shall take up her pen to record the story of the new Peace Movement which is the glory of our twentieth century, she will write that this story, like that of the development of law within nations, is a story of the substitution of organized reason and right for anarchic violence and might. Her eyes, farther-seeing than ours, will discern a series of remarkable resemblances between the abolition of trial by battle and the substitution of law *within* nations, and the abolition of trial by battle and the substitution of law *between* nations. Even now, in the midst of this evolution, complex and of absorbing interest as it is, we may discern a number of those resemblances; and since we have no surer light for the pathway of the future than that which shines from the lamp of experience in the past, it will be the attempt of this brief paper to signalize some of them. May they, like light-houses along some rockbound coast, send forth their beams to guide and cheer the mariners on the world's ships of state who are voyaging in search of assured international peace and justice!

1. Those French philosophers of the eighteenth century who sought to prove that mankind's golden age lies in remote antiquity were grievously mistaken. All

<sup>1</sup> Address at the Third National Peace Congress, Baltimore, 1911.

history and all science are against this assumption, and show us that man's true golden age is with us now and stretches on before us to the illimitable horizon of human progress. Early man lived a miserable, fearful and brutish life. *Faustrecht*, fist law, the law of the strong arm and the big stick, ruled in the affairs of men. This was true of our Teutonic ancestors when history first dawns upon them in their forest homes in Germany. Their fount of justice was the judgment and deed of each individual; every freeman or free-necked man, "whose long hair floated over a neck that had never bent to a lord," was the "weaponed man," and he possessed the right of private war and exercised that right in the avenging of his wrongs.

The nations of the earth, until quite recent times, were like primitive men in their relations with each other. Every free and independent nation, which had never abdicated its sovereignty to an international court, which girt itself round with armaments on land and sea, possessed the equal right of doing battle with its neighbors and, rejecting the wisdom and justice of mere man, appealed to the justice of Mars or Odin for the settlement of its differences.

2. When human life became valuable to some one else than its possessor, the right of private warfare to the death was restricted by the law of retaliation (*lex talionis*), which permitted only "an eye for an eye and a tooth for a tooth," and thus stopped the course of the blood feud this side of death.

It is rare for a victorious nation to exact as the spoils of a successful war only those territories, goods or chattels which served as the original cause of the war, or to take

from the vanquished only that which the victor claimed it had lost. But in the eighteenth century the theory of the balance of power arose to prevent the utter annihilation of the vanquished state; and through the processes known as retortion, reprisal and pacific blockade, international law has sought to modify the blood feud between nations by a species of international *lex talionis*.

3. In primitive times, when blood relationship was the basis of state and church and social life, every outrage was held to have been done by all who were linked by blood to the doer of it, and every crime by all who were related to its victim. Hence entire communities and successive generations were involved in the common ruin resulting from the evil deed of a single doer. When the territorial tie superseded that of kinship in Anglo-Saxon England, the custom of frankpledge, or *Frithborh*, enforced collective responsibility for the crimes committed by an individual.

Modern governments in their strife with each other have appealed to the tie of common citizenship and summoned forth the workers from countinghouse, field and workshop, to be offered up as "food for powder" in many a valley of death, where it was not theirs to reason why, theirs but to do and die, in a quarrel not of their own making, but the result of another's crime or blunder.

4. When the family grew into a tribe, responsibility for crime and its punishment was taken out of the hands of the family, as family responsibility had superseded that of the individual, and the tribal law replaced in theory both family feud and private warfare. The lives and limbs of warriors became too valuable in intertribal warfare to be wasted in strife within the tribe; hence

a system of money compensation, instead of death and retaliation, was enforced as the punishment of crime within the tribe. A tribal code of morality arose, which taught that, while fraud and violence were legitimate and praiseworthy weapons against other tribesmen, honesty and justice should be practiced toward one's fellows.

Modern nations advanced to the stage of compensation and tribal morality in their dealings with each other, and agreed that, while money damages should be offered to some nations, and treaties of arbitration and arbitral courts should be entered into with those same nations, "defiance fell and bloody war" were alone possible or desirable with others.

5. When the tribe grew into the nation, under the growing influence of mutual interests, it came to be recognized that a wrong done to an individual was something in which the entire community had a common interest, and was really a crime committed against the state. The king's peace and, with the growth of democracy, the peace of the commonwealth became a reality which was not to be broken with impunity by individual's attack upon individual, or even by an individual's or family's attempt to punish such attack. Public "guardians of the peace" were appointed to preserve the peace which was the public's due, and the public itself punished or redressed private wrongs.

With a growing perception of the solidarity of nations, and a realization that benefits and injuries experienced by one member of the family of nations are shared in common by the others, there is a growing belief that the true motto for international relations should be "All for each, and each for all." Already the ban of international

law has been placed on treaties which promise intervention on the part of one state in the domestic difficulties of another; and treaties of offensive and defensive alliance which couple the nations together to give chase in pairs or triplets against the "enemy" are being denounced by twentieth-century Washingtons, who condemn such entangling alliances on grounds both of national welfare and of international solidarity.

6. The evolution from the individual's right to avenge his wrongs by his own right arm to the duty of the state to preserve the peace and administer justice by peaceful means was long and slow, for the old freeman's fist law was hard to down. The state compromised with it, admitted it in certain cases, threw formalities around it, and dignified it with the name of "trial" by battle. When their crude means of securing evidence had been used without avail, the medieval men, in despair of reaching a practical conclusion by judicial means, reverted to the barbarism which lay just beneath their skins and resorted to the primitive law of force. This descent was softened by the sophistry which underlay the ordeals of fire and water, namely, that God would intervene and send victory in the combat to perch upon the banner of the innocent. In the Edict of Gundobald of Burgundy, which established trial by battle among the Burgundians in 501 A.D., this philosophy was implied in the questions: "Is it not true that the event both of national wars and of private combats is directed by the judgment of God? And does not Providence award the victory to the juster cause?"

Even ecclesiastical courts preferred this appeal to Mars rather than one to the Prince of Peace, and clung

to their right of trial by battle. In a monastic charter of 1008 A.D. we find the words, "We give to God and St. Denis the law of the duel." About the same time, in Spain, two knightly champions fought out for their clerical clients the question as to which of two rituals was acceptable to God. Two and a half centuries later, when St. Louis prohibited trial by battle within his domains, the prior of one of his own monasteries protested against this violation of vested interests.

This convenient device and its plausible justification were applied in the relations between nations, and are only now being effectually ousted in theory and practice. When the Albigensian Crusaders stood before the walls of Béziers in the first half of the thirteenth century, their ecclesiastical leader urged them to the slaughter of the heretics with the words, "Slay on, slay on! God will know his own." At the siege of Damascus, during the Second Crusade against the Saracens, a lofty crucifix was erected at the principal gate of the city, and the bishop, attended by his clergy, laid a copy of the New Testament before the image of Jesus Christ and prayed that the Son of God would defend his servants and vindicate his truth. When the Holy Sepulcher was conquered amidst streams of human blood, and the kingdom of Jerusalem established, trial by battle became one of the corner stones of its system of "justice." Six centuries later Sir William Blackstone, the great historian of English jurisprudence, declared that "war is an appeal to the God of hosts to punish such infractions of public faith as are committed by one independent people against another." In the next century Prince Bismarck declared repeatedly his belief in a God of



battles who decides international disputes by "casting his iron dice"; and down into this twentieth century of enlightenment even civilized nations have acted on the dictum of that old berserker who declared that "it is much fitter to contend with swords than with words." The efficacy of the ballot has not yet destroyed the nations' reliance upon the bullet; courts must still struggle for survival with the cutlass; and International Justice must still sometimes be portrayed as grasping the sword *without* the bandage or the scales.

There are those who, still championing "the right divine of kings to govern wrong," are champions still of the divine right of war to perpetuate the wrong. General von Deimling of Germany, for example, is reported recently to have said: "Perpetual peace and the movement in favor of its establishment constitute a genuine danger. Nobody fights now for the pleasure of fighting, but for honor's sake. When an affair of honor has to be settled, it is the sword in the last analysis which must decide the matter. We must therefore oppose the idea of peace, for it is a thing that would enervate the nations." From the land of Ambassador Bryce and Sir Edward Grey has lately come the strangely discordant berserker wail: "It is still true, as it was a century ago, that, take it all in all, a ship of the line is the most honorable thing which man as a gregarious animal has produced." Truly some twentieth-century Cervantes is sorely needed to launch a new "Don Quixote," with its all-conquering laughter, against the outworn chivalry of barbarous days which has revived in these grotesque forms of barrack philosophy and "dreadnoughtitis."

Sir William Blackstone's excuse for his definition of

war was much like the medieval man's justification of trial by battle, namely, that "neither state has any superior jurisdiction to resort to upon earth for justice." But now, thank God, since the First Hague Conference that lamentable fact is no longer true, and international justice is moving rapidly along the same path which enabled national justice to abolish trial by battle between individual citizens.

7. In the early administration of trial by battle within the nation the two parties to a dispute were themselves called to the combat, the theory in its logical conclusion being that neither weakness nor age could count against the innocent since God was on their side. But gradually the custom of securing champions for the feeble arose and developed into the shameless employment of professional pugilists from men who made a profession of letting them out for hire. To the victor went the spoils of the vanquished; hence these champions went abroad in quest of combats which would bring them fortune as well as fame.

In the international administration of trial by battle it has been by no means unusual for a standing army of professional soldiers to take the place of volunteer "defenders of the right," and even for mercenary troops from foreign lands, such as the free lances in European wars and the Hessians in our own Revolution, to be brought in to sustain a declining faith in the intervening justice of the God of battles. It would seem, too, that the present eager competition in the building of dreadnoughts and super-dreadnoughts is in line with reliance upon sturdy champions rather than on the justice of one's cause, and is indeed a practical application of

the familiar though not all too trustful motto, "Trust in God but keep your powder dry."

8. To our English ancestors of the eleventh and twelfth centuries, however, there was something alien and dangerous in the favorite Norman device of trial by battle. It is probable that their Teutonic ancestors had used it, but the Church and advancing civilization had abolished it in England; and when the Norman conquest introduced it, they denounced it as a barbarous foreign custom devised for the purposes of tyranny. William I, to conciliate the English, permitted them to decline trial by battle and choose an ordeal of fire or water; and he and his successors hedged in the judicial combat by so many rules and formalities that it required an able-minded as well as an able-bodied man to appeal to it successfully.

When the Hague Conferences restricted warfare on land and sea by a great code of regulations, thus "canalizing" the activities of belligerents in defense of peaceful neutrals, a great cry of indignation went up from the military and naval delegates that in future wars they would be so cribbed, cabined and confined by rules and regulations that they would have left but little space or time in which to *fight*. It is instructive also to note that when the Second Hague Conference provided that no future wars should begin without a previous declaration of war, a Chinese delegate arose and blandly inquired what would happen in case the nation against whom the declaration had been launched should refuse to accept the challenge. Of course his inquiry was greeted by inextinguishable laughter; but that Chinaman not only recalled the concession which the English exacted from

William the Conqueror, but he became the prophet of the future when war drums throb no longer and battle flags are furled in the jury box of nations, the tribunal of the world.

9. The Conqueror's successors did not continue to grant to all their English subjects exemption from trial by battle; but the growth of peaceful industry within the towns brought with it increasing wealth and political power, and during the twelfth century they purchased from their Norman lords the coveted exemption from trial by battle and decided their disputes by means of the old English trial by oath or compurgation.

The marvelous growth of economic internationalism, with its commercial, financial and industrial ties that bind the world together, has caused international trial by battle to be increasingly frowned upon in our modern time, and has given great impulse to mediation and international commissions of inquiry, which may be regarded as the Hague Conferences' equivalents for the old compurgation.

10. The rural tenants of the Norman lords looked with longing eyes upon the exemption from trial by battle which had been won by their English fellows within the city walls. At last a farmer by the name of Kebel was subjected to trial by battle, and although notoriously guiltless of the crime with which he was charged, the combat went against him and he was hanged just outside the gate of St. Edmundsbury. The taunts of the townsmen looking on from the walls aroused the victim's fellow farmers to a realizing sense of their condition. "Had Kebel been a dweller within the borough," said the burgesses, "he would have got his acquittal from the

oaths of his neighbors, as our liberty is." Thereupon the farmers demanded the same liberty and received it from their lord, the abbot; and all the farmers throughout England slowly followed their example.

We have seen in our own day how, when nineteen members of the family of nations, indifferently absent from the Hague Conference of 1899, were given the chance to attend the Conference of 1907, they eagerly adhered to its "liberty" of avoiding trial by battle. We have seen also how infectious has been the fever of negotiating treaties of arbitration, *one hundred thirty-three* of these pacific agencies for settling disputes having been agreed upon since 1899<sup>1</sup>; and we have seen how, within *nine* years, *nine* cases have been settled by the Permanent Court of Arbitration established at The Hague—Great Britain, Germany, France, Italy, Japan, Norway, Sweden, Mexico, Guatemala and Venezuela having followed the beneficent example of our own republic in submitting disputes to that more than imperial tribunal.<sup>2</sup>

11. The Norman lords continued for a time with "sword and lance to arbitrate the swelling difference of their settled hate"; but gradually the kings began to "hate the dire aspect of civil wounds ploughed up with neighbors' swords," and greatly reduced the Norman custom of trial by battle, lest it should "wake our peace, which in our country's cradle draws the sweet infant breath of gentle sleep." It was retained for certain

<sup>1</sup> Written in 1911. The number of arbitration treaties in force between pairs of nations on July 1, 1912, was 154, while since 1899 some 163 had been negotiated. Nine had been superseded in the thirteen years.

<sup>2</sup> Written in 1911. By October, 1912, the number of decided cases was 11 and one was in process of trial. Russia, Turkey and Peru had been added to the litigants before the court.

classes of crimes and disputes; for example, it was considered the only honorable method of answering the accusation of felony, the worst and basest of crimes; and it was applied to debtors who disobeyed the sheriff's order to pay their debts.

We have seen how, in recent years, the sovereigns of the world have begun to hate the dire aspect of international war, and to fear the growing burden of preparation for trial by battle; how they have met at The Hague to devise peaceful means of settling their disputes; and how they have negotiated numerous treaties of arbitration and submitted a growing number of disputes to arbitral tribunals. In 1899 it was thought that only "judicial" questions could be successfully submitted to arbitration; in 1907 it was thought that questions of "national honor" should still be submitted to the Norman knighthood's "honorable" trial by battle, while the Porter proposition; great step in advance though it was, still recognized trial by battle as an ultimate means of collecting contractual debts in case arbitration should fail.

12. During the reign of King Stephen, when England underwent a reaction, in many phases of her life, to the violence and brutalities of feudal anarchy, the barons by the might of their mailed fists beat down wherever they could the nascent forms of civil justice and restored trial by battle in all its pristine vigor. Although the miseries of the time, as recorded in the "Anglo-Saxon Chronicle," which comes to a despairing end in lamenting the terrible evils it records, must have been grievous indeed for that generation of Englishmen to endure, they served as a most useful object lesson and proved a strong

incentive to the adoption of the great legal and pacific means of settling disputes which Henry II was soon to usher in.

The Spanish-American war, the Boer war, the Russo-Japanese war were a sad surprise to the world which had witnessed the rise of the First Hague Conference ; but they were a revelation of the imminence of warfare in the most advanced of nations, and a reminder of the ferocity and futility of trial by battle as practiced even by the most civilized of nations. They doubtless gave impetus, too, to the progress in the amicable settlement of international disputes which has made the last few years so illustrious.

13. The reign of Henry II witnessed the rise of trial by jury, that unrivaled palladium of English liberty — unrivaled, for it is older than Parliament itself, and bears within it the principle of representative government as well as supplies the bulwark of civil liberty. It began with the jury of inquest, which was designed merely to procure information ; developed into the jury of accusation or presentment, or grand jury, as we call it, whose function it was to present criminals for trial ; and ended with the jury *par excellence*, the trial jury, or the petty jury, as it is unworthily called. This great juristic invention had existed in early times among the Franks and other Teutons on the Continent, but it had been overwhelmed by the spread of the Roman and canon law, and had practically disappeared from the German fatherland. In England, however, it rose again and became one of England's choicest gifts to the civilization of the world.

The rise of jury trial on the international stage vividly recalls many incidents connected with its rise within the

nations. The Anglo-American people have had most to do with laying the foundation of the international jury trial, even as the English gave the trial jury to the municipal jurisprudence of the nations. International commissions of inquiry may find their prototype in the jury of inquest. The international jury of presentment has not yet been evolved, but Professor de Martens' proposition at the Second Hague Conference, that commissions of inquiry shall not only seek the truth about a controversy and publish it to the world, but shall also fix the responsibility upon the blameworthy nation, may yet develop into a grand jury which shall bring guilty nations to the bar of international justice. The arbitral character of the early jury, impaneling as it did an equal number of representatives of each litigant, together with others to act as umpires, has been preserved in the equivalent features of the Permanent Court of Arbitration. The early jury was composed of both witnesses and judges, their value depending largely on their knowledge of the question in dispute; hence their verdict was both a partial and a compromising one. The final separation of witnesses and jurors is reflected in the American attempt at the Second Hague Conference — an attempt which is soon bound to succeed — to establish a genuinely permanent, impartial and judicial tribunal.

Back of the national jury lay the royal power of the king, as opposed to the independent and disintegrating privileges of the feudal barons, while the jury itself represented the "country" and expressed the "country's" verdict. Back of the international jury lies the power of the family of nations, as opposed to the exclusive sovereignty of independent states, while behind its



awards there lies the greatest power in all this world, the power of international public opinion. The first parties to jury trial within the nation were probably those powers which were almost co-ordinate in the time of Henry II and Thomas Becket, namely, the English Church and the English State. It seems eminently proper that modern states of equal sovereignty, but refusing in the interest of justice to be judges in their own cause, should submit their disputes to the international jury. The first class of disputes regularly submitted to the national jury had to do with the ownership of land; disputes over international boundary lines have been among the first to be submitted to special arbitration and to the Permanent Court as well, while there is a fair promise that the new Anglo-American arbitration treaty and the third Hague Conference will assign territorial disputes invariably to an international jury. The Constitution of the United States, growing out of the fruitful soil of English law, provided for the trial by jury of all criminal cases, but neglected at first to provide the same guarantee for civil cases; this omission nearly caused the rejection of the Constitution in the Virginia convention, and an amendment was adopted which provided for the jury trial of all civil cases of the value of twenty dollars or more. With this English and American precedent to re-enforce the Monroe doctrine and the Porter proposition, the American government has induced the Hague Conference to require all claims of contractual indebtedness to be brought into the international court.

Jury trial, like Parliament, was not popular at first with the richer freeholders of England, and they

purchased immunity from its jurisdiction in considerable numbers, while many poorer freeholders groaned under its operation until its virtues appeared undoubted and supreme. Some of the great powers of our time, notably Germany, have needed to become convinced of the efficacy of the international jury, while some of the smaller powers do not even yet yield unquestioned allegiance to this sure shield of their weakness. But it is growing more and more to be realized that, like the national jury, the international jury also is a protection of the rights of the weak against the tyranny of the strong, and that, as the national jury is a protection of national justice against the violence and vindictiveness of individuals or mobs, so is the international jury a protection of international justice against the ignorance, jealousy and prejudice of nation toward nation.

14. The year 1215 was an ever-memorable one in world history, for it saw the signing of Magna Charta and the meeting of the fourth Lateran Council. The first guaranteed, among other liberties, the great liberty of trial by jury; and the second prohibited the Church from lending divine sanction to trial by ordeal, thus making the choice a necessary one between trial by jury and trial by battle, and discrediting the Christianized Odin or Thor, who was supposed to preside over trial by battle and trial by ordeal alike.

The Hague Conferences of 1899 and 1907 have discredited international trial by battle by denouncing warfare, in the words of Baron d'Estournelles de Constant, as a conflagration, and commissioning every responsible statesman with the prime duty of preventing its spread and of putting it out. The year 1915 will also be marked

by two ever-memorable events—the meeting of the third Hague Conference and the celebration of a century of peace between the United States and Great Britain and their mutual disarmament on three thousand miles of border line. May these events, like those of seven centuries ago, mark a great advance in the permanent and universal substitution of international peace and justice for the iniquitous and unjust trial by battle!

15. Among the priceless gifts that our republic owes to the motherland of Great Britain, there is none fairer than jury trial and the courts of justice in which it is enshrined. These are embedded in the constitution of every state and of the Union itself, and are rightly regarded as the bulwark of justice, the palladium of our liberties. The time came, a century and a quarter ago, when our forefathers felt that they could no longer dwell beneath the imperial sway of the British Parliament and of King George the Third; but when they broke the political ties which bound them to their kinsmen beyond the sea, they carried into their new constitution Old England's juristic triumph of trial by jury. In view of this great historic fact, it was most appropriate that in the early infancy of our republic, in the year 1794, the United States, negotiating the Jay treaty with its arbitral provisions, inaugurated with Great Britain that series of international jury trials which in the form of arbitration have made the succeeding century supremely illustrious.

In this coronation year of King George the Fifth,<sup>1</sup> when the nations are sending to the new sovereign their varied tokens of good will, no fairer gift can be sent to

<sup>1</sup> Written in 1911.

him by our republic than that of a treaty of arbitration which shall apply to *every* dispute which may arise between our nations that principle of peace and justice which, received from England's law, has been enthroned within our American courts for many generations, and is now being crowned within the courts of nations. No fairer gift can be made to Britain's people and the world than such a bar, which shall forever close the doors of the temple of Janus and forever open those of the Palace of Peace at The Hague.

In these days of great and increasing armaments, when Horror sits plumed upon the crests of nations, and when dreadful deeds may well ensue, — "nor only Paradise, in this commotion, but the starry cope of Heaven perhaps, or all the Elements at least may go to wrack, disturbed and torn with violence of this conflict," — we may well give thanks that "the Eternal, to prevent such horrid fray, hangs forth in Heaven his golden scales," and that the fiend of trial by battle, looking up, beholds these golden scales of justice, and murmuring, flees, while with him flee the shades of night.

## VI

### THE INTERNATIONAL GRAND JURY <sup>1</sup>

One of the notable achievements of the First Hague Conference was the prominence given by it to international commissions of inquiry as one of the best means for the pacific settlement of international disputes. The proposal to establish these gave rise to one of the longest and most ardent debates of the Conference, the result of which was to impress the idea deeply upon the international consciousness.

A large majority of the delegates shared the conviction that governments should investigate before they fight, and the belief that if they investigate before they fight, in all probability they will not fight at all. They believed also that the truth, the whole truth and nothing but the truth relating to international disputes should be impartially ascertained and made public, and that during such investigation popular passions would have time to cool and a peaceful settlement of the difficulty thus be made more easy.

On the other hand, a minority of the delegates argued that the establishment by the Conference of international commissions of inquiry would be too long a step in the direction of obligatory arbitration ; that a report by such commission, if it were adverse to the interests of a large

<sup>1</sup> Address at the second annual meeting of the American Society for the Judicial Settlement of International Disputes, 1911.

power, would cause the large power to refuse to arbitrate the dispute; that such commissions would be a strong link in the chain which was being forged for the binding together of the nations in a union which would infringe upon the sovereignty of the smaller powers; and that at the bottom of every request by one state for an international commission of inquiry there is a kind of doubt as to the impartiality of the investigation made by the national authorities of the other state, while the acceptance of a proposal to name such a commission implies a willingness to subject the action of its own authorities to a kind of international control.

So persistently were these arguments urged, — they were fears, rather than arguments, as Baron d'Estournelles declared, and therefore could not be answered, — and so determined were the delegates of three Balkan governments (Roumania, Servia and Greece) to defeat the adoption of international commissions of inquiry in any form, that the Conference was finally obliged, instead of establishing them and conferring upon them a wide scope of activity, merely to declare that it would be useful for the signatory powers to establish them "in so far as circumstances permit," and in questions "involving neither the honor nor the vital interests of the powers concerned."

This apparent failure of the Conference to take what seemed to be so short and so reasonable a step toward international justice was one of the reasons why it was made the laughing stock of a reckless press and the contempt of thoughtless people. But seldom indeed has there been so striking an illustration of the importance of declaring the truth, however tritely, of holding up "a

standard to which the wise and the honest may repair." Indorsed thus feebly by the Conference, but made practicable by the adoption of a few simple rules of procedure, and impressed upon the attention of thinking men, international commissions of inquiry have found an assured place in international relations; and, resorted to by Great Britain and Russia in the case of the fishermen of the Dogger Bank, one of them allayed the passions of the British people at a grave period of the Russo-Japanese War, and probably prevented that war from becoming fatefully enlarged in its scope and results.<sup>1</sup>

At the second Hague Conference the attempt was renewed to *establish* international commissions of inquiry, to make it incumbent upon powers not parties to an international dispute to suggest a resort to them by the disputant powers, and to add to their duty of impartial investigation and report the further duty of fixing the responsibility for the occurrence which gave rise to the dispute. These propositions again stirred up determined opposition, which was this time almost unanimous, and all that was accomplished by the second Conference in regard to the commissions, besides an improvement in their mode of procedure, was the adoption of a declaration that their establishment by the powers, under the former restrictions, would be *desirable* as well as *useful*.

Here the history of international commissions of inquiry ended, in apparent ignominy. But in this year of grace the President of our republic has, under God, taken up this stone which the builders rejected and has made it the headstone of the corner. When the proposed

<sup>1</sup> A second reported to Italy and France on July 25, 1912, regarding the holding up of the *Tavignano* by Italy during the Turko-Italian War.

treaties of arbitration with Great Britain and France and the Senate's objections to them are carefully examined, it is seen that the heart of the treaties and the core of the opposition to them lies not so much in the apparently universal scope of the arbitration proposed, as in the proposed method of determining the arbitrability of questions in dispute. This method is the appointment of an international commission of inquiry, or, rather, the transformation of the familiar international commission of inquiry into an international grand jury.

With the rapidly growing belief in the efficacy of arbitration for the settlement of international disputes there has been a rapidly growing desire to have *all* international disputes submitted to this peaceful mode of settlement; but the supreme difficulty, the crux of the entire movement, is to *get the parties into court*.

This desire and difficulty are reflected by the treaties and the Senate alike. The contracting governments declare that they are "resolved that no future difference shall be a cause of hostilities between them or interrupt their good relations and friendship"; and the Senate's committee asserts that it "is as earnestly and heartily in favor of peace and of the promotion of universal peace by arbitration as any body of men, official or unofficial, anywhere in the world, or as any one concerned in the negotiations of arbitration treaties." The treaties propose the arbitration of all "justiciable" questions, and the Senate responds with a hearty amen. So emphatic is this response that the wayfaring man naturally asks, Then where is the hitch? And the suspicious man is inclined to regard the Senate's response as emphatic rather than sincere, and to apply to it the words of Ambassador



Choate, at the Second Hague Conference, when he characterized Baron Marschall von Bieberstein of Germany, the great opponent of the American proposal for a world treaty of obligatory arbitration, as being "on the one hand, an ardent admirer of obligatory arbitration in the abstract, but on the other, when this idea is to be put into practice, he becomes its most formidable opponent. It is for him," Mr. Choate continues, "an image which he adores in the sky, but which loses all its charm on touching the ground; he regards it in his dreams as a celestial vision, but when it approaches him he turns toward the wall and will not look at it!"

But this doubt, as far as the Senate is concerned, is not well founded; for, although the Senate's dream of universal arbitration is somewhat troubled by such nightmares as attacks upon the Monroe doctrine, the influx of undesirable immigrants and aggressions upon the territorial integrity of the states and the nation, the real lion in its path is the great question, *How* shall the justiciability of international disputes be determined? or, as the report of its committee states it, "The most vital question in every proposed arbitration is whether the difference is arbitrable."

To answer this fundamental question, the treaties propose to institute a joint high commission of inquiry, charged with the duty, first, of impartially and conscientiously investigating and reporting upon any controversy referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts; and second, of determining the justiciability or nonjusticiability of cases in which the parties disagree as to whether or not they are subject to arbitration.

The name of joint high, instead of the Hague Conference's name of international, commission of inquiry is given to the new agent, but the first duty assigned to it is that proposed at The Hague; while, through the second duty assigned to it, it has been transformed from a high *commission* and raised to the dignity of a *grand jury*. Thus has been proposed the immensely important step of adapting to the administration of international justice that great agency which has served the Anglo-Saxon people for more than seven centuries as one of the chief bulwarks of individual liberty and one of the most efficient tools in the enforcement of national law and order.

History repeats itself in a most instructive and most encouraging way. Looking back to the days of the Norman and Angevin kings, when the first faint heart throbs of trial by jury were beginning to make themselves felt within the body politic of England, and the virus of trial by battle was being expelled by it from the current of national justice, we see gradually emerging above the baronial turbulence and social injustice of the times the jury of inquest and presentment, which became the mother of grand and petit jury alike. Originating as a body of impartial witnesses summoned by royal writ and sworn before the king's officers to declare all the facts in a given case, it was used by William the Conqueror for inquiring into the laws of good King Edward and for securing the information upon which Domesday Book was based. Henry II used it in connection with the Assize of Arms and the Saladin tithe, and substituted it for the wager of battle, in civil cases, for determining title and possession. It was Henry II also, who, in his

great struggle with the barons and the Church, lifted it above its rôle of inquiry and report and vested it with the power of indictment in criminal cases (Constitutions of Clarendon, 1164, 6th Chapter; and Assize of Clarendon, 1166, 1st section). Magna Charta (39th section) made it the corner stone of English jurisprudence; the American colonies and states incorporated it in their temples of justice; and the United States Constitution (the fifth amendment) made it a foundation stone of the new republic. Sustained by both common and statute law and by the affections of a self-governing and law-loving people, it has achieved among the English-speaking peoples on both sides of the Atlantic a long and glorious record of beneficent activity; and now the President of our republic has proposed to those same peoples its establishment within the international temple of peace and justice at The Hague, and invited all other nations to share with us its benefits.

The national grand juries of to-day include within their functions, first, *inquisition* of office, or the investigation of matters committed to their inquiry, upon evidence laid before them; second, *indictment*, or accusation of crime or misdemeanor; and third, *presentment*, properly so called, or inquiry into an accusation of crime or misdemeanor, upon the jury's own motion and from its own knowledge and observation.

It has not yet been proposed to invest the international grand jury with the function of presentment proper; but with the growing sense of the solidarity of nations we may yet hope to see a properly constructed grand jury of the nations taking cognizance of and presenting such patent crimes as the annexation of one's neighbor's

outlying territories. But this is for the future. For the present it has been proposed in the Hague Conference, as has been seen, that the international commission of inquiry shall be vested with the duty of inquisition of office; and now our President has proposed that it shall be vested with the great and distinctive duty of indictment. It is still difficult for us to think into our old familiar terms of national jurisprudence their international significance. But it is clear that Article III of President Taft's treaty, which empowers the Joint High Commission to test by the principles of law or equity the justiciable character of international differences, is tantamount to the prime object of indictment; namely, the getting of a case before a court, the bringing of two disputants before the bar of justice.

The Senate objects to this summary process because it is opposed to the Senate's constitutional duty of itself sharing in the decision as to justiciability and in the appointment of the Joint High Commission. Now there can surely be no objection to the Senate's participation in the appointment of the American members of the Joint High Commission, at least in the usual manner of ratification. It has always been an essential feature of the national grand jury that it shall be of a representative character. Chosen at first from the hundred, it was regarded as representative enough to present, inquire and indict, but not to act as a trial jury; that is, to give fair and adequate expression to the voice of the county as to the guilt or innocence of the accused. Accordingly it was enlarged by including representatives of "the four vills" and the jury of another hundred; also, at times, by the addition of coroners, knights and others of

representative character. The principle of representative government as a whole was cherished and preserved chiefly in the jury, and Parliament itself arose in the form of a great national representative jury. It is entirely fitting, therefore, that the international grand jury, at least in the initial stages of its growth, shall be representative in the large sense of the nations concerned, and that the Senate shall share with the Executive the responsibility of its appointment. Indeed, since the national grand juries are summoned by courts of sufficient criminal jurisdiction, the Supreme Court of the United States may well claim its share in the appointment of the international grand jury, especially since the jury is to perform an essentially judicial function.

But the Senate's claim to a share in this judicial function of the international grand jury cannot be thus readily granted. It does not appear to be well founded on constitutional interpretation, and it certainly is most repugnant to the ideals of justice and fair play cherished by the Old World members of the family of nations. At the Second Hague Conference, for example, the Austrian and other delegations persistently and almost tauntingly inquired of our American delegation how the United States government could possibly enter into any world treaty of genuine obligatory arbitration if the United States Senate must exercise the right of approving not only the general treaty itself but also a special treaty determining the object, scope, etc. of the arbitration of every individual dispute. Although Great Britain and France have agreed that the Senate shall ratify the *compromis* (that is, the agreement for the arbitration of each specific dispute), as well as the general treaty, it cannot

be expected that all other nations will be thus complacent, or that they or any other nations would make a general treaty submitting all justiciable cases to arbitration and at the same time assigning to the United States Senate the right of deciding on the justiciability of each case as it arose. Evidently, if such be the constitutional limitation of our government in international affairs, it, like the power of the national government over the states in such international matters as the treatment of resident aliens, is greatly in need of revision. In some way, by constitutional interpretation or constitutional amendment, the United States Government must have the shackles stricken from its limbs, so that it may fulfill unhampered its duties toward the other members of the family of nations.

But in regard to the Joint High Commission's duty of determining the justiciability of specific disputes, it does not appear that the Senate is vested by the Constitution with any right or duty. This is clearly either an administrative or a judicial measure. If it is an administrative measure, it must be performed not by the Senate but by a commission acting under the Executive, even as tariff boards pass upon the dutiability of imports under a treaty of reciprocity. If it is a judicial function, it must *a fortiori* be performed not by the Senate but by a commission vested with judicial powers, in the appointment of which the Senate may concur, but in the performance of whose judicial duties neither the Senate nor the Executive may interfere. It is not to be tolerated, under the rules of fair play, that a government may act as the judge or the petit jury in its own case; and it is no more to be tolerated that a government shall act as

its own grand jury, and insist on the control of inquest, indictment or presentment of only such cases as may suit its pleasure or convenience.

Of course the ideal international grand jury would be one not only composed of "good and lawful men," whose interest in any particular case does not transcend that common interest which every good member of society feels in the enforcement of law and justice, and who would therefore pass upon it with faithful impartiality, but it would be one also fairly representative not of the governments interested in the particular case at issue, but of the family of nations as a whole. The Senate's committee has criticized the proposed treaties on the ground that they "are not in the direction of an advance, but of a retreat from the Hague provisions, because they revive the idea of confining membership in the commission, if insisted upon by either party, to nationals instead of to wholly disinterested outsiders." While this criticism is entirely just from the point of view of the ideal, it does not come with peculiar propriety from a branch of the legislative department of the government which demands for itself the right of withholding from arbitral adjudication cases in which it is vitally interested, especially since, immediately after this criticism of the treaties, it strenuously objects to vesting in an outside commission the power to decide on the justiciability of disputes. From the point of view of the practical, we cannot expect to create immediately a perfect international grand jury; for it should be remembered that national grand juries grew slowly in representative character and in scope of jurisdiction, being summoned at first only to inquire for the body of the county, *pro corpore comitatus*, while down

until 1548 (2 & 3 Edw. VI, c. 24) it was the rule that, when a man was wounded in one county and died in another, the offender was at common law indictable in neither county, because a complete act of felony had been committed in neither. It is evident from past history and present human nature alike that too rapid progress cannot be hoped for in the development of the newly born grand jury of the nations; it is evident also, from the Senate's vigorous opposition to the alleged radical character of the President's proposal, that this proposal marks a great step toward the ideal.

The ideal international grand jury also would act for each member of the family of nations, large or small, just as surely and potently as it would for any of the others. The Senate committee's warning, that "if we enter into these treaties with Great Britain and France we must make like treaties in precisely the same terms with any other friendly power which calls upon us to do so," is a reflection of the ideal and of the Senate's attitude toward it; while the President's frank acceptance of the alternative, his refusal to be terrified by the fear of the subjunctive, and his loyalty to justice regardless of the side on which the weight of her scales may turn, is a splendid object lesson to the nations, and another great step toward the ideal which declares that just as public wrongs are considered in every civilized nation to be committed not primarily against the individual but against the commonwealth, so international wrongs must be considered as committed not primarily against the individual nation but against the family of nations, to whom international rights and duties pre-eminently pertain. In practice, again, it should be



remembered that for generations after the introduction of indictment by means of the national grand jury, the accused, if sufficiently powerful, would refuse "to put himself on the county," that is, to submit to jury trial, and that from 1275 to 1772 A.D. it was held necessary to punish such refusal by imprisonment and by *peine forte et dure*. We cannot anticipate that the "great powers," led on as at present by the will-o'-the-wisp of territorial aggrandizement, will submit immediately to be haled into court and compelled to make restitution for their high crimes and misdemeanors. But we may be profoundly thankful that our President has thus lifted from the dust the standard of international justice; and we may be assured that as the nations rally one by one to that standard, an international public opinion will be created, so enlightened, so just and so invincible that no international delinquent, however great or obstinate, will refuse to bow to that sovereign power of our times and to the indictment of the ideal international grand jury which will represent it!

Standing face to face to-day with the great "present crisis" in the development of international justice, holding within our grasp the immeasurable power for good possessed by the international grand jury which President Taft is offering to our own and other nations, we may well recall and ponder Lowell's heartfelt cry in another great crisis of our country's and the world's history:

Once to every man and nation comes the moment to  
decide,

In the strife of Truth with Falsehood, for the good or  
evil side; . . .

Hast thou chosen, O my people, on whose party thou  
shalt stand,  
Ere the Doom from its worn sandals shakes the dust  
against our land? . . .

Careless seems the great Avenger; history's pages but  
record  
One death-grapple in the darkness 'twixt old systems  
and the Word; . . .

We see dimly in the Present what is small and what is  
great,  
Slow of faith, how weak an arm may turn the iron helm  
of fate,  
But the soul is still oracular; amid the market's din,  
List the ominous stern whisper from the Delphic cave  
within, —  
“They enslave their children's children who make  
compromise with sin.” . . .

New occasions teach new duties; Time makes ancient  
good uncouth;  
They must upward still, and onward, who would keep  
abreast of Truth;  
Lo, before us gleam her camp-fires! we ourselves must  
Pilgrims be,  
Launch our Mayflower, and steer boldly through the  
desperate winter sea,  
Nor attempt the Future's portal with the Past's  
blood-rusted key.

## VII

### INTERNATIONAL POLICE VS. NATIONAL ARMAMENTS

There is an analogy implying that armaments are equivalent to police forces, which is as prevalent as it is false and pernicious. It is used constantly and effectively by the advocates of great and ever-growing armies and navies. It steals for armaments all the glory which is associated in the minds of civilized men with that effective agent of civilization, the police force. It pretends that just as a police force is the bulwark of cities against thieves, assassins and anarchists, so is a great armament the defense of the nation against criminal aggressors attacking it from abroad. The object of police forces, we are told, is to prevent and punish domestic crime, and that of armaments is to prevent and punish international crime.

So powerful and plausible is this analogy that it is the chief argument of militarists in the most civilized of nations; for the greater the degree of civilization, the more intense is the love of law and order and the respect for the agencies which maintain them. So inseparably associated in the minds of pacifists, also, is the love of law and order with the desire for peace, that this analogy, when loudly urged by their military opponents, is sufficient to confuse their thought and even to silence for a time their advocacy of peace. Come, let us reason

together as to its basis and justification. Let us get closer to the two institutions and consider their fundamental differences.

They differ fundamentally, in the first place, in the source of their authority. A police force derives its authority from a power which is supreme over both contestants; an armament derives its authority from a power which is supreme over only one of the contestants. A police force, in the punishment of crime, and all other officials engaged in the administration of justice are under the authority of criminal courts and perform their duties only after a fair trial has been conducted in which the criminal has stood on an equal footing with his accuser. It has been a principle of jurisprudence ever since Magna Charta that every man is held innocent until he is proved guilty, that he cannot be made to testify against himself, and that he can be punished only after he has been found guilty by due process of law, and in a court which is impartial toward both prosecutor and defendant.

Compare this judicial process with an act of war. One nation decides that another nation has injured it; this decision is based frequently on false or misinterpreted evidence; even where the evidence is good, the accused is given no chance to rebut it, or to submit other evidence, in a court which is impartial toward both prosecutor and defendant; and no opportunity is given the defendant for appeal to a higher or less partial tribunal. When a nation has made up its *own* mind that it has been injured, it launches its army or navy against its opponent; if it is victorious, it is satisfied that justice has been done; if it is defeated, it decides that injustice has triumphed. Let us therefore,

it says, become more powerful than our neighbors, in order that we may always cause justice to prevail. This is the old and impious doctrine, discarded *within* civilized nations, that might makes right. It is the discarded method of settling wrongs between individuals by appeal to the big stick or to trial by battle.

But, says the militarist, the diplomatists and state departments of the two countries involved in the difficulty are supposed to sift the evidence in the case and to decide the question of right and wrong. True; but this constitutes no more of a genuine court than would the opposing lawyers hired to conduct a case between individual litigants. And while the intensely partisan because "patriotic" diplomatists and statesmen are arguing the case and striving to secure victory for their respective clients, the armed forces of the latter are straining at their leashes and drowning the voice of justice by their baying, while a "patriotic" people are demanding of their respective governments that "the flag shall not be lowered," that the foreign "dago" or "greaser" or what not shall not triumph. He who remembers the *Maine* needs not to be told how military and popular clamor darkens counsel and prevents the diplomatists and statesmen of two quarreling nations from conducting a fair trial in times when mutual relations are strained, or, indeed, even in the best of times. Senator Root, our great ex-Secretary of State, has recently uttered some burning words illustrative of this fact, and has made an urgent appeal to our own people to remain cool and silent in times of international difficulty, to demand justice and not triumph at the hands of their agents, and to honor and reward their diplomatists

even though they bring home defeat of national claims. But what is really needed to secure the essence rather than the semblance of law and justice is something more than coolness and silence on the part of the people, and even more than a muzzle and kennel for the dogs of war; it is a genuine international court, on whose bench neither party's representatives are seated, and which will sift all the evidence by legal methods and render a judicial verdict, undisturbed by popular clamor and unaffrighted by the shadow of armaments. This great institution has already loomed above the nations' horizon, and is even now within their grasp. But that is another story; let us proceed with our examination of the false analogy between police forces and armaments.

In the second place, when a verdict has been rendered, the ministers of justice who execute it against an individual are still the impartial agents of the law; they inexorably suppress the aggrieved party's attempt to secure vengeance or indulge hatred against his enemy, and they enforce the sentence of the court regardless of private wishes or demands, and regardless of the nationality, color or creed of the condemned.

On the other hand, when a nation decides for itself that another nation has wronged it, it sends against that nation its own armed forces, and yet it calls them agents of justice. Not only are these men filled with patriotic love of their own country, intent on doing their utmost for it, animated by the blind sentiment of "my country right or wrong," believing that their fame, fortune and political preferment depend on what they can achieve against their country's enemy; but also they are often, indeed inevitably, filled with their own national, racial or

religious prejudice against the "dog of a Christian," or "the accursed Turk," or the "American hog" or the "Spanish hellhound." Even in civil wars, as we Americans know too well, the military "ministers of justice" are filled with bitter hatred of their former fellow countrymen, the "rebel" or the "Yank."

Soldiers, of course, are sometimes used in aid of the police to enforce law and order within the jurisdiction of the soldiers' own country. At such times they form in no true sense of the word an army, but are an auxiliary of the police force, subject to the same sovereignty and law to which those who threaten violence are subject; and even when acting in this police capacity they are rightfully, as we shall see, carefully circumscribed by the civil authority.

Again, when a sentence is imposed and administered by officers of the law, it is inflicted upon the guilty party and is designed to bear strict relation to the crime committed. In warfare the innocent suffer always, but the guilty may not only escape the evils of the war, but may even prosper by it; while the "indemnity" demanded, or the "satisfaction" secured, is not proportioned to the offense, but is limited only by ability to seize or by "policy" in retaining. Under criminal law it is the man who has committed murder who enters the penitentiary or mounts the gallows. In warfare the leader of a mob against resident aliens, or the promoter of a financial enterprise in an alien country, may reap military, political and financial reward as the result of a successful war stirred up by his lawless violence or chicanery; while thousands of soldiers, on both sides, must lay down their lives or their health and strength before the breath of

battle or disease, and other thousands of noncombatants must suffer from the anguish or want which always accompany the most "merciful" of wars. "I know only one thing which is more terrible than a victory on the field of battle," said one who knew whereof he spoke, "and that is a defeat." "War is hell," said one of the most renowned of American generals; but it is a hell whose tortures fall chiefly upon the innocent.

The disproportion between the original offense and the satisfaction exacted for it, in warfare, is one of the most impressive lessons of history. "To the victors belong the spoils" — all the spoils they can get — is a precept which has been acted upon even by the most advanced of nations. England's ally is threatened by France; the Seven Years' War occurs and England seizes and retains the Canadian and Indian empires. Spanish sailors in Manila harbor fire upon American ships, and we seize and retain the Philippines, — put an American "yoke" upon them, — even though we had fought for the Filipinos to enable them to throw off the Spanish "yoke." And when, having exacted perhaps twenty times the amount of damages suffered from China, we return to her a large part of our spoils, the rest of the civilized world holds up its hands in amazement at such Quixotic stupidity, or suspects that we are trying to ingratiate ourselves with Chinese officials and merchants. Such are the results of a system which is alleged to be merely an international "police system," designed to "punish" crime and enforce "justice."

In the next place, when we consider the respective weapons and methods of a police force and of an army or navy, we recognize another difference between them.



In some European countries the policeman is armed with a sword; but the tendency of the best nations is to arm him only with a club, in order that he may do the least necessary amount of irreparable damage in fulfilling his duty. He is taught the sacredness of human life, and is made by rigid discipline to feel the utmost responsibility for taking human life, being subjected to severe investigation even in clear cases of self-defense, and being made to feel that homicide is absolutely the last resort and one which the best policemen always find some means of avoiding. On the other hand, the soldier and sailor are provided with the most perfect of death-dealing devices procurable, and a corps of expert scientists are ever busy in seeking more powerful explosives and more effective projectiles. It is true that international law, thanks largely to the two Hague Conferences, now prohibits the use of certain means of injuring the enemy and certain peculiarly atrocious kinds of projectiles and explosives, such as "dum-dum" bullets and asphyxiating gases; but it is also true that this prohibition was secured by men of peace, in opposition to the military spirit, and only after a long and bitter struggle with most of the representatives of the world's armies and navies, foremost among whom, — alas, that it should be true! — were the naval and military representatives of the United States of America.

Again, taught by centuries of military despotism, the people watch with jealous eye the growth and power of their armaments, and especially guard the civil power, as represented by the policeman, from encroachment on the part of the military power, as represented by the soldier. Even in a country like ours, where the government is

by and for the people, and not by and for the despot, the civil power in our cities, states and nation believes, and acts upon the belief, that eternal vigilance is the price of liberty from military domination. Our cities are rightly jealous of soldiers of any kind coming to the aid of the police; our states are right in dreading the intervention of the standing army in aid of the police force or constabulary, and in preferring a resort to the militia or "citizen soldiery," which is merely a development of the *posse comitatus*; and the founders of our nation were right in placing the supreme command of the army and navy in the hands of civil officials — the President and the Secretary of War. Under even these favorable auspices, and bridled by such constitutional checks, the fighting spirit, which is alien to the true civilian's character but which is natural to the professional soldier, makes itself manifest in times of profound peace. Not only are the spirit and methods of courts-martial different from civil courts, but the attitude toward the sacredness of human life differs radically in military and in civilian circles. For example: A sailor was killed recently in a boxing match on board a man-of-war lying off the Massachusetts coast; the Massachusetts officials made a determined effort to secure the murderer for trial in the state courts; but federal jurisdiction supervened, and the naval authorities, "while regretting that death should occur from boxing exhibitions in the navy," said that "no blame could be attached to any one unless subsequent reports should disclose that the men should not have been allowed to participate in such a contest because either of them was physically disqualified to withstand the ordeal." A similar case occurred not long

before in the army, on the Pacific coast, where an enlisted man had died from the results of a "battle royal," that is, a boxing bout, and the army authorities decided that "the man had died in the line of duty," that is, that his slayer should remain unmolested. How necessary is Congressional supervision and public opinion for curbing this military attitude toward human life, even among the boys who are being trained for our army and navy, has been made manifest many times during recent years at West Point and Annapolis. From the military point of view there is logic in the contention that if soldiers are to defend the nation effectually in time of war by killing foreign enemies, they should be allowed in the interests of military skill to kill each other in time of peace. But the world is awaking from its military dream in which this kind of logic is valid.

Turning now from the fundamental differences between policemen and soldiers, from the point of view of the *punishment* of crime, let us consider their equally fundamental differences from the point of view of the *prevention* of crime.

In the first place, the history of jurisprudence proves conclusively that a properly constituted and administered judicial system, including the police force, is a powerful deterrent to the commission of crime. A just and impartial punishment inflicted under the "majesty of the law" upon one criminal has prevented many another potential criminal from becoming an actual one; and it may be remarked, in passing, that capital punishment, or the military punishment, is the least efficacious of all in the prevention of crime. It is the fact that the criminal has received an impartial, judicial trial, before

his punishment is inflicted, that creates a law-abiding attitude and habit even in the minds of the criminally disposed.

On the other hand, a "punishment" inflicted by one nation's armed forces upon another nation prevents the recurrence of another "crime" on that nation's part only until it becomes able, or thinks it has become able, to commit it with impunity. England seemed to have annihilated the power of France in 1763, but France merely waited for the next supposedly favorable opportunity to secure revenge, which came with the outbreak of the War of the American Revolution; defeated or "punished" again in that war, France again, in less than ten years, flew at her despoiler's throat and strove with her in a conflict which lasted for nearly a quarter of a century. And so it would doubtless have continued, had it not been for the shifting of European politics and the rise of new and stronger enmities.

War does not "settle" things permanently, but it has the reverse effect, and "stirs them up" worse than before. Defeated nations have invariably strained every effort to become capable of fighting their victorious enemies again, or have used every endeavor to form alliances with other nations against them. Hence have arisen dual, triple, quadruple and grand alliances and the dreary wars for the "balance of power" which have invariably followed.

Well, say the advocates of great armies and navies, if it is not *warfare* which prevents international crime and more warfare, it is at all events *preparations* for warfare which have this result. Hence the growth of "two-power standards," "two-ocean bases" and the like;

hence also the launching of *Dreadnoughts*, equipment with Maxim guns, lyddite, etc. "If you wish for peace, prepare for war," is the timeworn expression of this familiar philosophy. So timeworn is it, and so great are the names associated with it, that its adherents cling blindly to it, and when they find that facts are at variance with it, why, so much the worse for the facts. If it be found that England, with eighteen miles of warships, is in ever-imminent danger of war with Germany, then the fault is not with the ships that have been built, but with those that have n't been built: "Build eighteen miles more of warships"!

It is this philosophy which has made of Europe an armed camp and has filled the seas with men-of-war; it is this which has caused Japan to develop her navy and army with feverish haste and attack Russia at a time opportune for victory; and it is this which has caused a certain circle of Chinese statesmen to determine to develop China's military resources, to seek a quarrel with some Occidental state, say France, and to "beat her to a frazzle," as Japan did Russia, in order that it might win the respect of the Christian Occident.

When this feverish, panicky and endless competition between the nations in building up armaments against each other is considered, the ludicrous fallacy of the analogy between armaments and police in the prevention of crime is apparent. But there is another fundamental defect in the analogy. Police systems are leveled against the criminal and the would-be criminal. Armaments are leveled against nations. That view of other nations, which looks upon them as a gang of conscienceless bandits, is as false as it is ignorant and contemptible. One

goes to England and finds a civilized people wrought up to fever heat lest the faithless German, building more warships than England has, should pounce down upon her. He goes to Germany and finds an equally civilized people engaged with feverish haste in "laying down the keels of dreadnoughts" to prevent the perfidious Briton from perpetrating crime upon the *Vaterland*. When England increases her genuine police force, the German does not multiply his; when the German police force is increased, the Briton sleeps none the less peacefully. The reason for this difference is that in the one case a genuine police force is in question, capable of genuine prevention of genuine crime, while in the other case a sham police force is demanded for the alleged prevention of imaginary crime.

How fallacious is the analogy drawn between armaments and a true police system may be readily seen when one compares the present system of national armaments with a system under which all the world's armies and navies, vastly reduced in size, would form part of an international force, and would act against any member of the family of nations only when it received a warrant for so doing from an international court before which the delinquent member had been legally and impartially tried and sentenced. Such an armament would indeed be a genuine police force both for the punishment and prevention of genuine international crime and for the enforcement of genuine international justice. This is an ideal, to be sure, not yet realized; but its realization is within the present generation's grasp, and is being worked and striven for by the world's brightest intellects and truest hearts. Meanwhile let us not be misled

by an analogy which is both false and pernicious, which will not bear the light of honest scrutiny, and which is retarding the realization of the twentieth century's highest and most practicable international ideal. Let us sweep away the blundering fallacy that any national armament, as an armament, is a police force; and let us not permit its Old World, medieval shadow to retard the dawning of the new day of righteousness and justice.

## VIII

### ARBITRATION, NOT MORE ARMAMENTS <sup>1</sup>

Theodore Roosevelt has been the fountainhead of many of the streams of public interest and of public benefit pouring through our country during the last dozen years, but his advocacy of a great American navy has added an element of great public menace. The championship of that cause by the late Admiral Evans and Captain Hobson, or even by the editor of the *Outlook*, has not been nearly so important as is its advocacy by Mr. Roosevelt. I am one of the millions of Americans who have had a profound respect for Mr. Roosevelt's honesty of purpose, and a genuine admiration for his great abilities. I am also one of the millions of Americans who deprecate many of his methods, and especially do I believe that his method of preserving international peace is radically wrong and terribly dangerous. Gladly and gratefully I recognize the services rendered by him to the cause of peace, in some ways. I do not forget that it was on his initiative that the Hague court of arbitration was called into beneficent activity; nor do I forget that it was due largely to his initiative that the Peace of Portsmouth was achieved and the Russo-Japanese War brought to an end. But it is precisely because of his character and ability, and because of such services as these which he has rendered to the cause of peace, that

<sup>1</sup> This address was first given in August, 1908.



his championship of a great armament makes him the most serious menace to the preservation of the world's peace. He is, in fact, the Dr. Jekyll and Mr. Hyde of the Peace Movement. This is a serious charge, but I believe that the following considerations will substantiate it.

European statesmanship for centuries acted in a half-hearted or hypocritical way upon the old adage that the best way to preserve the peace is to prepare for war. But it remained for Bismarck, that man of blood and iron, to translate the old adage into a positive philosophy, and apply it in such a thoroughgoing manner that he made of Prussia an armed camp. The other continental countries of Europe followed as closely as possible in the path marked out by him, and to-day we have the spectacle of Europe bristling with bayonets and filled with the din of warlike preparations and maneuvers, all in the great name of Peace.

Across the English Channel this barracks philosophy of peace has been translated into a big-navy philosophy of peace, and it has become a cardinal doctrine of British statesmanship that Britain's navy must be equal in fighting strength to the navies of any other two powers.

Across the Atlantic the big-navy philosophy of peace has been adopted by Mr. Roosevelt and his school, and Britain's "two-power policy" has been translated here into a "two-ocean policy;" that is, the maintenance of fleets on both the Atlantic and Pacific oceans able to cope with any fleet which may be sent against them. In support of this new gospel of peace, missionaries from North Carolina and elsewhere are sowing the seed which has been grown in the editorial gardens of the *Outlook* and in Mr. Roosevelt's fields of statesmanship.

One of the most forcible expositions of this gospel with which I am familiar is Mr. Roosevelt's address at the Naval War College in Newport a few summers ago.<sup>1</sup> This address was not intended, as Mr. Roosevelt said, for the naval officers in his audience, but was intended as a message to the great body of American citizens. Yet about three of its paragraphs were devoted to assertions of the desirability of peace, while about three newspaper columns were devoted to an exhortation of preparedness for war. Thus it very forcibly reminded students of history of that jingle, which was sung so often in ultra-Tory England in the seventies, and which became the swaggering slogan of the ridiculous "jingo" school of statesmen:

We don't want to fight,  
But, by jingo, if we do,  
We've got the ships,  
We've got the men,  
We've got the money too.

The "big stick" of the President's argument in this address contained the following notches: First, we need a big navy in order to enforce our immigration policy; if we desire to restrict immigration from Italy, Bohemia or Japan, we must be ready to fight for it; second, we need a big navy to enforce the Monroe doctrine; third, we need a navy so big that no other nation will dare to attack us; and fourth, we need a big navy which, cutting loose from its country's fortified ports, may seek out its opponent and "hammer that opponent until he quits fighting."

Without dwelling here on the first two arguments, it may be said of the first that the United States has found

<sup>1</sup> July, 1908.

its immigration policy in danger only when it has not lived up to the spirit of its treaties with foreign nations, or when, for commercial advantages, promises have been made to foreign nations whose fulfillment would not have been in keeping with the genius of our civilization. Of the second it may be said that long before the Rooseveltian régime of naval expansion, the Monroe doctrine was enforced. For example, President Lincoln and President Cleveland were successful in this direction, and were successful in neither case because of the possession of a navy or threat of war, but because of the enlightened public opinion which put a brake upon the pugnacious governments concerned — in France, in England and in the United States.

The third argument is based upon that cheerful medieval view of one's neighbors as a gang of bandits ready to seize the first opportunity of indulging themselves in warfare and knavery. In view of the pacific development of modern public opinion throughout the civilized world, and in view of America's geographical isolation and her manifold and varied advantages, this medieval view of the family of nations is, on the face of it, so absurd that it makes the thoughtful inquirer suspect that a sinister design may underlie it. It is, in fact, a too palpable reminder of those good old times when military despots procured great standing armies by playing upon the fierce and ignorant jealousies of their subjects.

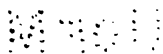
Mr. Roosevelt's fourth argument in favor of a great navy in the interests of peace is a naïve revelation of the true logic of his position. The candid suggestion that our own fleets pursue the peaceful and carpenter-like industry of "hammering," while our opponents are engaged in

the warlike and savage brutality of "fighting," provokes an involuntary smile. But this argument is no laughing matter to the genuine lover of peace and arbitration. It constitutes the chip upon Uncle Sam's shoulder which foreigners are dared to knock off at their peril.

The folly and the wickedness of enormously increasing armaments may be illustrated in many ways. But over against the four arguments noted above may be mentioned here the four following:

First, the economic burden of great armaments has been proved by columns of statistics. The enormous sums which are expended upon armaments, and which leave some nations so poor when war comes that they are helpless to pursue it to a successful conclusion, are patent to all. But the misdirection of labor and capital applied to such uses is especially to be resented in a country whose natural resources are in such need of development as are ours. President Roosevelt's conference with the governors in regard to the preservation and development of our natural resources, and his commission on the improvement of the condition of the American farmer, could be very materially aided by diverting to them a portion of the government's military and naval appropriations, which have increased to almost three fifths of the total appropriations. The present naval policy seems destined to result in each of the states of the Union having as its namesake a man-of-war. A short mathematical calculation would reveal the number of miles of macadamized roads or the development in the educational system which might be procured in each state by foregoing the honor of being presented with a naval leviathan as a namesake.

Second, not only is the expense of building and maintaining a warship (which is said to be equivalent to the endowment and maintenance of a first-class university, like Johns Hopkins) to be deplored, but its folly is apparent when the said ship's short life of usefulness is considered. We are told that the "life" of the best men-of-war is from twelve to twenty years, and this means that every generation must not only build but rebuild its fleet of warships. We are told also that ships of the dreadnought type are supremely valuable as fighters only, and that they have no proportionate power of defense. Certain it is that the invention of new devices of attack has made ships of the very best-known type obsolete within a very few years. And if the present rate of development in the art of navigating the air is maintained for a few years, the entire armaments of civilized nations on land and sea will be worth, for fighting purposes, an equivalent quantity of old junk. The folly of the big-and-bigger-and-biggest-navy policy is apparent also when we remember that a "big navy" or a "big stick" is only a relative term. We are told that in 1907 the United States achieved second place in the list of naval powers, but that Germany and Japan have been making frantic efforts to oust us from that position. Our stick may be a big one when it is ten feet long, while Germany's or Japan's is only five feet long, but when theirs grows to ten feet, our stick will no longer be a big one. If England is determined to maintain a navy equal to that of any other two powers, and we are determined to maintain a fleet on both oceans capable of coping with any which may be sent against it, we revive the old mathematical puzzle



of an irresistible force meeting an immovable obstacle. Sensible men are therefore inquiring where this policy is to end.

Third, Colonel Roosevelt's armament policy invites the very evil of warfare which he deplures. He looks upon his navy as merely a means of defense; other nations inevitably regard it as a defiance and a menace. The very worst feature of the big-navy policy, then,—immeasurably worse than its expense and its folly from the fighting point of view,—is that it is the chief obstacle to the adoption of international arbitration. Both reason and experience prove that it has this disastrous result.

If in a "state of nature" my neighbor and I should desire to establish a court for the adjudication of differences between us, the worst possible method of procedure to accomplish that end would be to equip our lawns with bulldogs, tigers, lions and all the animals of the jungle. If, for alleged purposes of defense, I were so to equip my lawn, my neighbor would inevitably look upon me either as a hypocrite in pretending to desire a court, or as a bully who did not intend to abide by the decisions of a court. And if he were to follow my example and "defend" his lawn in a similar manner, the results would be not the establishment of a court but such a fight as the jungle never saw.

At the First Hague Conference, Count Münster of Germany and Admiral Fisher of Great Britain are reported to have opposed Lord Pauncefote's plan for a court of arbitration, for the reason that, since Germany's army and Britain's fleet were ready and able to crush their opponents on short notice, it would be foolish for

them to submit their differences to a court of arbitration and thus to give their opponents time for preparing their defense. When Ruy Barbosa of Brazil was asserting against Mr. Choate's Court of Arbitral Justice the argument of the equality of sovereign states, there rolled beneath his words and within the hearts of the representatives of other smaller states the conviction that the United States was not sincere in its attempt to establish a Court of Arbitral Justice. With the shadow of a constantly increasing navy behind our American delegation, it was unable to overcome the sentiment of its opponents, expressed in private and not forgotten in public, "We do not trust you, gentlemen."

When trial by jury for criminal offenses took the place of trial by battle, the great reform was not accomplished by increasing the weight of the armor or lengthening the spears of England's citizens. The history of disarmament on the Great Lakes between the United States and Canada, and of the limitation of armaments on the frontier between Chile and Argentina, as well as the story of the increase of armaments on the Transvaal-Cape Colony boundary and in the Rhineland, are further facts which show the foolishness and the failure of the attempt to enforce arbitration by means of increasing armaments.

In view, then, of the plain lesson taught by reason and experience as to the inevitable and insuperable antagonism between increasing armaments and increasing arbitration, it is an outrage that the activities of certain so-called peace associations and of "statesmen" of the Rooseveltian brand should be permitted to handicap the work of such truly international statesmen as

Mr. Choate and M. Bourgeois in their efforts in behalf of arbitral justice.

Fourth, the increasing-armaments policy is bitterly resented by millions of Americans because it is dethroning the ideal of America as the Sir Galahad among nations. There was a time when it could be truly said, and without a shadow of doubt or suspicion on the part of the other members of the family of nations, that our country's strength was as the strength of ten because its heart was pure. That ideal of the youthful, peaceful giant of the west, whose ports were without a gun and whose warships were designed solely to perform the police duty of the seas, has been trailed in the dust before the nations, and we are fast coming to be classed with those military despots who, from the time of Babylon and ancient Rome, have made a desert and called it Peace.

When Madame Roland ascended the guillotine during the French revolutionary terror and looked around her upon the emblems — the "liberty caps" and "citizens' costumes" — of so-called liberty, and upon the bodies and blood of the guillotine's victims, she exclaimed, "O Liberty, Liberty, what crimes are committed in thy name!" And when the advocate of peace by means of arbitration hears arbitration acclaimed by those who are intent on the indefinite and enormous increase of our army and navy, he may well exclaim, "O Peace, Peace, what crimes are committed in thy name!"

Let us, then, before it is too late, — before the poison in the editorial columns of the *Outlook*, written and to be written, and in other journals of similar animus, has irretrievably entered into the blood of our nation, — let us put an end in our New World to this pernicious peace



philosophy of the Old World's men of blood and iron ; let us make right, and not might, our motto ; let us make justice, and not victory on land or sea, our aim ; let us make arbitration, and not armaments, our method ; and let us seek as our leader toward the goal of international peace, not the god of battles but the Prince of Peace.

## IX

### THE WORLD'S TWO VICIOUS CIRCLES

The fallacy of *petitio principii*, familiarly known as "begging the question" or "arguing in a circle," is so frequently met with in logic and in real life that one might suppose that responsible statesmen would have long ago learned to avoid it both in their mental processes and in their political activities. But, like Banquo's ghost, it is difficult to lay, and it still haunts the world in this twentieth century of enlightenment, and frightens it into particularly pernicious sins of omission and commission.

These sins are most flagrant, perhaps, when the world attempts to regulate its international relations. Each nation, for example, argues that it can protect its own peace only or best by increasing its armaments; and accordingly each of the circle of forty-odd nations is feverishly engaged in the edifying task of out-arming, to the best of its abilities, each of the others. Great Britain, assured that her own peace and the peace of the world is threatened by the menace of the Teuton, lays down the keels of two dreadnoughts; Germany, perceiving the portentous shadow of the advancing Briton, lays down the keels of two superdreadnoughts. This gives to Great Britain a realizing sense of the inadequacy of her twenty-eight miles of warships, and in order to avoid

another panic such as the German superdreadnoughts caused her, she increases her per capita naval expenditures within ten years by 43 per cent; Germany "goes her several better" and increases her per capita naval expenditures within ten years by 119 per cent. Some American "statesmen" dream of the menace of Germany in South America or of Japan upon the Pacific, and the United States, frightened by such nightmares, increases her per capita naval expenditures within ten years by 64 per cent. Japan, emulating her Occidental school-teachers in their fallacious logic, and postulating the impossibility of having too much of a good thing, increases her per capita naval expenditures within ten years by 137 per cent. The other four "great powers," caught up in the same frenzy of fallacious logic and futile competition, convert their national resources into dreadnoughts, and all eight together expend upon their navies within ten years the almost unimaginable sum of \$5,600,000,000!<sup>1</sup>

Thus the vicious circle is formed; the small members of the family of nations join in the frenzied competition for big, bigger, biggest armaments, and, like the serpents of an African jungle, each struggles and strains to raise its head high above the others. But how much like a will-o'-the-wisp is the peace based upon such a chain of reasoning is shown by the continually precarious and fragile character of that peace, while above it broods the shadow of a menacing Armageddon unrivaled in history or prophecy. It may well be said in solemn truth of the world's incessant building of armaments in its search for an assured peace:

<sup>1</sup> These figures are taken from the British Admiralty's white paper of October, 1911.

Ye build and ye build,  
But ye enter not in!  
Like the tribes whom the desert  
Devoured in their sin.

So much for the great sin of commission in the international relations of our time. But perhaps even worse than this barracks-and-warship attempt to preserve the peace between nations has been the refusal to adopt treaties providing for the submission of all international disputes to arbitral tribunals.

This great sin of omission is also based on the argument of the vicious circle. International arbitration is a good thing, but the only way to preserve it at all is to refuse to arbitrate "certain" classes of disputes which are "impossible" of arbitration: thus is the great question begged. It was begged in the same way seven centuries ago when the champions of trial by battle vociferated the "impossibility" of submitting "questions of honor" to trial by jury. It was begged in the same way one century ago when the Hamiltons and Burrs of the period asserted the "impossibility" of defying in "certain" cases the "code of honor." It is begged in the same way to-day when murderers oppose "the unwritten law" to the statute law of the civilized world, and when the lovers of the "big stick" deny that justice can be secured in "certain cases" before international tribunals.

"I cannot arbitrate a slap on my wife's cheek," cries one strident voice; "therefore the United States cannot agree to arbitrate all its disputes with other nations!" Let your wife conduct herself as most modest women do and not get her cheeks slapped; or, let the unprovoked

slapper be sent to jail: such might seem to be obvious ways out of this not very intricate logical tangle.

"Uncle Sam cannot stand by and see Germany gobble Venezuela," shrieks another chorus of voices; "therefore the United States cannot agree to arbitrate all its disputes with other nations." But only a few years ago Uncle Sam threatened to fight "at the drop of the hat" if Great Britain should refuse to arbitrate her claim to a part of Venezuela. It would seem that if we are willing to fight to enforce the arbitration of questions arising under the Monroe doctrine, we might be willing to accept the solemn promise of other nations to submit such questions to arbitration.

"There are certain questions which cannot possibly be submitted to arbitration; therefore we cannot accept the decision of impartial judges, even of those whom we help to select ourselves, as to the possibility of arbitrating disputes." So runs the *petitio principii*. Why not be entirely honest and declare that we ourselves prefer to be the judge in all cases in which we are concerned; or, shamed out of that position by a growing sense of international fair play, declare that if we cannot be the judge we will at all events be the grand jury and insist on the right of presenting for trial every case in which we are concerned?

"No sovereign state shall be brought into court without its own consent"—such is the international application by the United States Senate of the eleventh amendment to the Constitution of the United States. But it was one of the prime objects of that immortal Constitution to surround the exercise of sovereignty by the strongest barriers of justice; and it was the United

States Senate which was made the special guardian of those barriers and the special defender of justice against an overweening sovereignty. The Senate, by opposing the adoption of the treaties of arbitration of 1911, was repudiating the reason for its existence and stultifying the most noteworthy achievements of its career, so far as our own national government is concerned, while in regard to other nations it is re-enacting the rôle played in 1787-1789 by the ultraconservative opponents of the formation of the Union.

“For the Senate to permit some other body to decide on the arbitrable character of international disputes would be to ignore a prime duty imposed upon it by the Constitution”—such is another prop of its *non possumus*. But if it ratifies a general treaty which submits all arbitrable questions to arbitration, it thereby sanctions the creation of commissions appointed to decide on such arbitrability, and thus performs its constitutional duty by both the general treaty and the application of it; for surely this is a case of the whole comprising all of the parts, of the general treaty comprising the several *compromis*. Moreover, the constitutional duty of the Senate in relation to treaties is neither judicial nor executive, but legislative. Once it has performed its duty in placing a treaty upon the statute book of the land, it has no further concern, except as a branch of the legislative department, with either its interpretation or its execution.

Of course it was an unprecedented step which the President was asking the Senate and the country to take; and precisely therein lies its greatness. In the year of grace 1911 our nation was summoned by its

President to lead the world in another "present crisis"; and to this crisis also may be applied the poet's deathless words of a half century ago:

At the birth of each new Era, with a recognizing start,  
 Nation wildly looks at nation, standing with mute lips  
     apart,  
 And glad Truth's yet mightier man-child leaps beneath  
     the Future's heart. . . .  
 For mankind are one in spirit, and an instinct bears  
     along,  
 Round the earth's electric circle, the swift flash of right  
     or wrong;  
 Whether conscious or unconscious, yet Humanity's vast  
     frame  
 Through its ocean-sundered fibers feels the gush of joy  
     or shame:—  
 In the gain or loss of one race all the rest have equal  
     claim.

Under the inspiration of such a summons as came from our present leader and our past history, should we have hesitated until "the Doom from its worn sandals shook the dust against our land"? Should we, rather, have turned our backs definitely upon the bloody fallacies of the past and our faces toward the great light which illumines the future, discarding the engines of warfare and giving our unquestioning loyalty to the efficacy and right of *Justice*?

## X

### THE INFLUENCE OF PEACE POWER UPON HISTORY<sup>1</sup>

Captain (now Admiral) Alfred Thayer Mahan, retired, of the United States Navy, and member of the first Peace Conference at The Hague, has written a book which the English-speaking world, in its moments of ease, greatly loves to read. This book is a glorification of the part played in history by the British and American navies, and is entitled "The Influence of Sea Power upon History." I am informed that it has been reprinted twenty times within nineteen years. It is true, as some advertising pages in its back proclaim, that the War and Navy Departments of the United States Government purchased one large impression of it for use in the libraries of our army and navy, and that the British Government supplied copies of it to the cruising ships of the royal navy; and this, of course, accounts for a good many of the copies that its publishers have disposed of. But it is also true that the student of history and the general reader, although not entirely agreeing with the British Admiral Tryon's verdict that "it is the best thing ever written," have nevertheless accorded it a splendid market. Captain Mahan, accordingly, has achieved fame, fortune and high position. So did Prince

<sup>1</sup>An address before the History Teachers' Association of the Middle States and Maryland, 1909.



Metternich; and, like Metternich, Captain Mahan is a reactionary. It is true that as the servant of a government of the people, by the people and for the people, on the eve of the twentieth century, Captain Mahan has not had the golden opportunity for political reaction which was afforded the Austrian minister in the palmy days of the Holy Alliance; but in his day and in his way he has proved worthy of his Old-World prototype.

For example, as a delegate of the United States Government to the First Peace Conference at The Hague, in the year that his glorification of sea power reached its fifteenth impression, he was permitted to cast the vote of the United States delegation against the prohibition of the use of projectiles, the object of which is the diffusion of asphyxiating or deleterious gases. The American and the British votes were the only negative ones cast against this humane and progressive prohibition, which was adopted by the twenty-four other delegations present. At the Second Hague Conference the British Government gave in its\*adhesion to this prohibition, and the Latin American republics, then represented for the first time, did the same. Thus, thanks to Captain Mahan's action in 1899 and his continued influence in United States naval circles in 1907, our country stands alone among the world's forty-five powers on the reactionary and inhuman side of the question of asphyxiating projectiles.

Again, in the First Hague Conference Captain Mahan joined forces with his army colleague, Captain William Crozier, to cast the vote of the United States against the prohibition of the use of "dum-dum" bullets, which had earned the reputation of inflicting jagged and

unnecessarily cruel wounds. On this occasion the British and Portuguese delegations were the only others of the twenty-six present which cast negative votes, and of these the British Government had the interest of the inventor and proprietor in defending the obnoxious bullets. At the second Conference the British and Portuguese Governments yielded to the enlightened public opinion of the civilized world and gave in their adhesion to the prohibition of 1899, and the Latin American republics did the same; but the United States Government still stands by its guns, or bullets, or Captain Mahan. Thus, although "dum-dum" bullets were originally British chestnuts, and although they have been pronounced worm-eaten by the British themselves, our United States Government, thanks largely to Captain Mahan's reactionary principles, still insists on pulling them out of the fire. Prince Metternich, intent on plucking the princely power of the old régime from the ashes of the French Revolution's conflagration and opposing it to the rising tide of popular sovereignty, would have had a warm feeling of fellowship with our American captain's opposition of asphyxiating gases and "dum-dum" bullets to the twentieth century's rising tide of humanity and justice toward every member of the family of nations.

Again, Captain Mahan is one of the chief leaders in that coterie of promoters of a big navy, some of whom insist that this country shall have peace at any price, no matter how many billions we may have to expend on dreadnoughts, or how many wars we may have to fight, to retain and protect it. But the newborn and singular doctrine of some of these promoters, that enormously

and indefinitely increasing armaments is the best way to insure international arbitration, is frankly rejected by Captain Mahan, whose naval commission recently published as axiomatic the assertion that there should be no check nor change of method in expanding from a state of peace to a state of war. For "this is not militarism," the commission argued; "it is a simple business principle based upon the fact that success in war is the only return the people and the nation can get from the investment of many millions in the building and maintenance of a great navy."

Fortunately, this distinguished naval officer of ours was not permitted to lay his frosty hand upon the Permanent Court of Arbitration established in 1899 by such truly American representatives as Andrew D. White and Frederick W. Holls, and by such progressive international statesmen as Lord Pauncefote, Count Nigra, Chevalier Descamps and Léon Bourgeois. In such company as this, Captain Mahan must have felt as much at home as Metternich would have done in the midst of a circle composed of Thomas Jefferson, George Canning and John Quincy Adams. On the other hand, he was undoubtedly fitted, as a writer in the *Fortnightly Review* remarked, — a remark which is also quoted in the back of his book on sea power, — he was undoubtedly fitted "by nature as well as by training for the work to which he happily turned his hand."

This work included, among other things, as I have said, a book on "The Influence of Sea Power upon History." I need not review that book before this association of history teachers, for, in common with thousands of our colleagues, most of us have probably devoted

many precious hours to exploiting its pages before our classes. I desire here merely to point out the ruling passion of its author and to indicate its place in historical literature. As Captain Mahan in his reactionary internationalism reminds us of Prince Metternich, so in the themes of his book he recalls Sir Walter Scott and Baron Jomini.

As the rise of industry in the cities of medieval Europe made of the feudal castle a picturesque ruin and obscured the robber baron in a mist of romantic glamor, so the rise of the peace power to supremacy is converting the cavalry squadron into a constable's staff and the warship into a policeman's club. Sir Walter Scott has embalmed in literature for the amused interest of posterity the jousts and tournaments of the days of chivalry; and Jomini and Mahan, taking their themes more seriously, to be sure, because their proximity made them loom the larger, have recorded the strategy and tactics, the bulleting and butting and buffeting of guns and bayonets, of rams and rigging. How we are thrilled in the pages of Mahan by "the great smashing effect of carronades," or "the great penetrative power of long-range guns"; how breathlessly we pursue "the tactical uniformity of action," and "the attack by lee or weather gauge"; and how we are led to marvel that a certain attempt should have been made to "carry by boarding" instead of to "sink by ramming"! When the duel and the prize fight shall have found their "gifted historians," their literature also, the picturesque and romantic account of thrust and parry, of upper cut and solar plexus, will take its place beside the historical novel and the histories of drum and trumpet, of topsail maneuver and larboard attack.

Meanwhile, why is it that military and naval histories have come to seem to us so much beside the mark? Captain Mahan, in speaking of massed attacks upon the enemy's fleet under changing conditions of naval warfare, complains that "men's minds are so constituted that they seem more impressed by transiency of the conditions than by the undying principle which coped with them." Now Captain Mahan may feel entirely reassured upon this point, in so far as the transiency of warfare and the eternal principle of international peace are concerned. Men's eyes and ears are no longer blinded or deafened by powder smoke or roar of guns; and they have detected through the tumult and the shouting the great truth that the strongest power in all this world, and the power beside which all other means of regulating international relations fades into utter insignificance, is the great combination of forces to which the name of Peace Power may be applied. Captain Mahan dimly realizes this fact and complains that "a peaceful, gain-loving nation is not farsighted, and farsightedness is needed for adequate military preparation, especially in these days."

Our modern eyes have certainly not that kind of farsightedness; for how naïve and childish now seems cavalry charge or volley of grapeshot on fields whose endless succession of harvests is momentarily disturbed by some "famous victory"; or how we smile at the absorbed earnestness with which naval historians dramatize the dancing of hostile fleets toward each other, battering and banging in heroic abandon, coloring the ocean waves with human blood, but all unconscious of the depths of ocean across which ten thousand fleets

have swept in vain. And not only does militant man seem a puny pigmy when measured thus by Mother Nature's forces, but how immeasurably insignificant seems the war which he has stirred up as the means of solving international problems, when compared with the great forces, human and divine, which make up the power of peace.

To our modern eyes Captain Mahan's kind of "history" has two fatal defects. In the first place, it has given rise to a false and pernicious philosophy of international relations. A certain class of newspaper writers, misled by the spirit of Captain Mahan's "history," are indulging in such distorted views of international relations as are expressed in the two recently published paragraphs cited below. A Western newspaper fulminates as follows: "The republic [our republic, of course], triumphant, magnificent, bearing the olive branch of peace in one hand and the rod of castigation in the other, standing for humanity and justice throughout the world, will be the world's arbiter in time, and largely so from henceforth. And thus justice will be made to prevail throughout the world, and the arbiter of justice will be so strong, both on sea and on land, so unassailable, that to attack him will be hopeless, and peace will prevail because no hope of gain by going to war can possibly be entertained. And that is the kind of peace that must come to the world—a peace through the overwhelming majesty of the American republic that is so strong as to be completely able to enforce it, and so just as to compel respect in that enforcement."

Again, a rear admiral of the United States Navy concludes his account of the recent voyage of our fleet

around the globe as follows: "I wish that I might stop with the words 'peace' and 'good will' as my closing expression, the lingering savor of which must ever be most sweet to even the sternest warrior. But misunderstandings must be avoided and prevented. We have fellow countrymen just as conscientious, just as earnest, just as patriotic as any, who doubtless would ask in all sincerity, 'If all these love feasts be as described, why build more battleships?' The answer lies in the teachings of history, in the inexorable logic of past events. It would be futile to attempt here to marshal all the axioms drawn from the world's experience in human nature. From the far-back days of the great Covenanter comes to us the sagest of all advice, 'Put your trust in Providence — and keep your powder dry.'"

In the second place, Captain Mahan's "history" lacks perspective and true historical proportion, because it grossly exaggerates the trivial and the transient and asserts them to be the most important and the eternal. It would put in the place of the discredited drum-and-trumpet history the equally discreditable siren-and-wig-wag history. Foot, horse and dragoons having been driven by modern writers from the foreground of history into the relatively unimportant corners where they properly belong, Captain Mahan would have us substitute in their place frigate, cruiser and torpedo boat. But as teachers of history we protest against the gifts of any more false gods; and having found the eternal verities and the truly important in history, we will abide with them. Among these last I count first and foremost the peace power.

Within the limits of a brief paper this peace power

can be hardly more than alluded to, or at most its outlines only may be suggested. In this attempt I may be permitted, first, since I have adapted the title of Captain Mahan's book, to adapt also a portion of its preface, merely substituting for his term "sea power" the term "peace power." His preface, then, would read, in part, as follows: "Historians generally have been unfamiliar with the conditions of peace, having as to it neither special interest nor special knowledge; and the profound determining influence of peace power upon great issues has consequently been overlooked. The definite object proposed in this work is an examination of the general history of Europe and America with particular reference to the effect of peace power upon the course of that history." But I may not follow thus page by page through Captain Mahan's ponderous tome, although it must be confessed that there is not much more of what is in very truth "the general history of Europe and America" in its five hundred forty-one pages than might be put into a twenty minutes' paper.<sup>1</sup>

Peace power is embodied in many things. Christianity, the moral code, literature, the drama, art, commerce and the vast congeries of forces which make up what is conveniently known as economic internationalism, world's fairs and congresses, an enlightened public opinion, diplomacy, international law and international institutions, are some of the agencies utilized by this master power in human affairs.

<sup>1</sup> In this connection I have been interested to observe that in Professor Robinson's "History of Western Europe" the first five hundred forty-one pages contain only about seventy which are devoted to both sea power and land power, and these pages include all the wars of Europe during fourteen hundred years of its most warlike period.



Christianity, which has abolished slavery from all civilized lands, made the family "the sacred refuge of our race," tempered the despotism of autocrats, idealized popular governments, universalized education, and exalted the dignity of labor, the worth of the individual, the rights of children and the duty of woman, has been a form of peace power which it would take hours to expound and libraries to estimate. The song of peace on earth which the angels sang when its founder was born has rolled with increasing volume down the ages, and, despite militant theologies and false philosophies of warfare, has become the great chorus of humanity in which the din of arms has gradually grown less and less.

As to the moral code: "History," says Froude, "is a voice forever sounding across the centuries the laws of right and wrong. Opinions alter, manners change, creeds rise and fall, but the moral law is written upon the tablets of eternity." It is written also, he might have added, upon the human heart and is reflected more and more in human conduct. The history of man is largely a record of the increasing sway of justice and charity within the family, the tribe, the nation and the world.

Literature, the drama and art, although they have been perverted at times to exalt the barbarism of warfare, have been in the main the obedient and potent agencies of peace. They have made plain to the wayfar-  
ing man the great ideals of peace, and have enabled him who runs to read the fruitful lesson that even the peoples beyond the mountains and beyond the seas are animated by those ideals and are worthy of justice and love.

Economic internationalism, with its commerce in the luxuries, comforts and many of the necessities of life,

with its foreign exchange and foreign loans, its commercial codes and means of intercommunication, has woven ever-strengthening ties that bind the merchants, manufacturers and laborers of all lands together in a community of interests which has made and is evermore making powerfully for peace.

The concourse of the peoples in world's fairs and congresses of manifold variety has taught not only the arts of life, but also the duty and the method of an international life based upon peace and justice. From the Congress of Panama in 1826 to the Second Hague Conference in 1907 there were held one hundred nineteen congresses in which various governments of the world were officially represented; and during the same eighty years there were held more than seven hundred unofficial international gatherings.

Public opinion, which Ambassador Bryce has shown to be the supreme power behind our American Government, has not only increased in its guiding and motive force within the various nations, but has become an *international* public opinion, and has been immensely strengthened and enlightened by the growing interchange of ideas and principles between the leaders of thought throughout the world. On how many occasions and with what beneficent results peace power has exerted a controlling influence upon national and international action by means of this "redoubtable sovereign of public opinion," would be too long to tell. Suffice it to recall here the words of a distinguished Belgian statesman and international jurist, M. Beernaert: "There is no assembly to-day which must not sit with windows opened, listening to the voices from outside"; and to

remind you that even France and Germany have bowed to this great international peace power and agreed to submit to peaceful adjustment a *casus belli* whose gravity makes the cause of the War of 1870 pale into insignificance.

As to diplomacy: A distinguished American, who has since become a private citizen, said in a speech in which he welcomed the home-coming of our earth-girdling navy: "You, the officers and men of this formidable fighting force, have shown yourselves the best of all possible ambassadors and heralds of peace." Shades of Franklin, the Adamses, Jay, Pinckney, Murray, Gallatin, Webster, Lincoln and all ye illustrious galaxy of ministers plenipotentiary and envoys extraordinary who have adorned the annals of this and other lands with the renowned victories of peaceful diplomacy! Have your achievements been indeed forgotten or eclipsed? I cannot believe it. When the prevalent disease of "dreadnoughtitis" shall have been operated out of our body politic, our historical judgments will swing back again from this Mahanesque extreme, and we shall once more realize that statesmanship is still better than a warship in international diplomacy, and that the greatest diplomatic victories of the past—and there are thousands of them—have been those which preserved or restored peace between nations.

The glowing eulogies which jurists and publicists have lavished for centuries upon the common, civil and statute law of civilized lands apply with peculiar force to international law as an agent of peace power. The book which revealed to the world the science of international law was written more than two centuries and a half ago; and yet of that book, which disclosed this form of peace power

then only in its infancy, Andrew D. White has said: "Of all books ever written not claiming divine inspiration the great work of Grotius on 'War and Peace' has been of most benefit to mankind."<sup>1</sup> For, he adds, "it developed and fructified human thought; it warmed into life new and glorious growths of right reason as to international relations; and the progress of reason in theory and of mercy in practice [promoted by it] has been constant on both sides of the Atlantic." If such words as these may be truly uttered of the dawn of international law by a careful scholar, what can be adequately said of this potent agency of peace power as it has climbed to its noonday splendor?

The number and variety of international institutions which already exist are a source of wonderment even to the close student of international affairs. The International Bureau on the Slave Trade, in Brussels; the International Bureau of Weights and Measures, in Berlin; the International Commission on Freedom of Trade through the Suez Canal, in Paris; the International Bureau of the Red Cross Movement, or of the Geneva Convention, in Geneva; the International Institute of Agriculture, in Rome; the International Association of Chambers of Commerce, with its biennial congresses; the various international bureaus located at Berne, including those for the Protection of Industrial, Literary and Artistic Property, Railway Transportation, Protection against Phylloxera (supported by five powers), the Bureau of Telegraphy, with forty branches in as many

<sup>1</sup> In the Wheaton collection of original texts of works on international law at Brown University, there are about one hundred twenty-five different editions of Grotius. This is claimed to be the largest number of known editions of any single work, always excepting the Bible.

countries, and the Bureau of the Universal Postal Union, which is used and supported by fifty different postal administrations; the International Health Bureau, in Paris; the Bureau of the twenty-one American republics, in Washington; the International High Court of Central America, which has jurisdiction over differences arising between the five contracting republics; international commissions of inquiry, one of which prevented a probable war between Great Britain and the United States over the Venezuelan boundary question, and another a war between Great Britain and Russia over the incident of the Dogger Bank; arbitral tribunals, which have settled more than six hundred international disputes since the foundation of our Union; the Permanent Court of Arbitration at The Hague, which has already settled seven <sup>1</sup> important international controversies, and to which such countries as the United States, Great Britain, Germany, France and Japan have referred knotty problems, some of them of long standing; the International Prize Court, adopted by the Second Hague Conference; the Court of Arbitral Justice, which is in process of establishment; the sixteen conventions, four declarations, ten recommendations and three resolutions adopted by the two Hague Conferences; and the hundred and fifty treaties of obligatory arbitration negotiated by the nations since the First Hague Conference, more than a score of which are the work of a single great Secretary of State, Elihu Root, — such is a partial list of the economic, moral and legal institutions which the family of nations has established for the expression and preservation of the power of international peace and justice.

<sup>1</sup> The number had risen to twelve by October, 1912.

And such is a faint image of that peace power whose controlling influence upon past history it will take another generation of historical writers adequately to record; whose exclusive control of the future of international relations has already dawned; and whose faithful, enthusiastic and fruitful study will engage the devoted attention of this and succeeding generations of students and teachers of history. Permit me, in concluding this paper, to borrow the poetic words of one of England's poets, and to express in them the thought which has inspired it:

The knights rode up with gifts for the king,  
 And one was a jeweled sword,  
 And one was a suit of golden mail,  
 And one was a golden Word.

He buckled the shining armor on,  
 And he girt the sword at his side;  
 But he flung at his feet the golden Word,  
 And trampled it in his pride.

The armor is pierced with many spears,  
 And the sword is breaking in twain;  
 But the Word has risen in storm and fire  
 To vanquish and to reign.

## XI

### RELIGION AND PEACE POWER<sup>1</sup>

In the olden days of chivalry a noble family took for its device the simple words, *noblesse oblige*. In our English tongue we interpret this to mean that noble birth or rank compels to noble deeds. So full of high incentive was this pithy motto that it became the watchword of noble men and women in every land. I would fain apply it to-day to this representative body of liberal religious people, as regards their duty toward the Peace Movement of our time. For if religion be "the *doing* of the Word, and not the hearing of it only," and if the liberal be "he who looketh into the perfect *law*, the law of liberty, and so continueth," then are religious liberals *doubly* dedicated to the service of the Peace Movement which has arisen so gloriously with the advent of this twentieth century.

During centuries of human history, inhuman and incessant warfare laid its devastating hand upon human lives and upon the fruits of human toil, playing that rôle in the history of the world which appalling earthquakes play in the history of the earth. But wars have become less frequent in our later centuries, and those which have occurred may be likened to the recurring but subsiding tremors of some great natural convulsion. Fortunately

<sup>1</sup> Address at National Congress of the Federation of Religious Liberals, Philadelphia, 1909.

for mankind, wars are unlike earthquakes in that they may be prevented. It seems inevitable that men must look forward with what equanimity they may to the destruction of San Franciscos or Messinas in the future; but, thank God, the human earthquake of warfare can and shall be prevented. And in this holy warfare against war, religious liberals have a plain duty to perform.

When the medieval Church placed itself at the head of the Crusades, a cry went up from Christendom, "To Jerusalem, to Jerusalem! God wills it!" The enlightened consciences of men in our day have recognized this old battle cry to have been no whit less foolish and pernicious than many others uttered in the names of the various gods of battle. But with the passing of this and of many another wild and wicked illusion, the faith of men still remains strong that there is a genuine holy warfare to be waged on earth in which they in their religious capacity — their churches militant — must enlist. As standard bearers on such fields of battle, the world has a right to look to religious liberals; and as standard bearers in the great Peace Movement of our day these must perform a twofold task.

I have compared the warfare of our time to the subsiding tremors of the military earthquakes which harassed the medieval world; they are, properly speaking, reverberations to the savagery of primitive man, or evidences of the social atavism which is not yet stamped out. Rational religious men must see to it, in the first place, then, that this atavism is stamped out.

Again, men groping slowly through centuries of muddled and sluggish thinking in regard to international relations have caught a vision of the light of truth and



have begun to devise and establish means for settling their differences in a rational and peaceful way. Religious liberals must see to it, then, in the second place, that this light of truth shall shine ever more bright and brighter, and that it shall speedily prevail over the ignorance and sin which have darkened international dealings in the past.

Let us examine a little more closely this twofold task. In their struggle against reversion to savagery, religious liberals must insist that men shall deal honestly with their intellects and consciences, and interpret the great Mosaic injunction, "Thou shalt not kill," to mean uncompromisingly and invasively that men must not take the lives of their fellow men under any pretext whatsoever. Besides that natural instinct of the brutes which forbids them to seek by organized means to kill their own kind, there must be sounded in the hearts of men the solemn and insistent command of reason and morality: Thou, individually or collectively, shalt not kill thy kind. The torch which shone from Sinai's mount so many centuries ago must be kept steadily burning and flashed from land to land and from soul to soul, if civilization is to be kept from the abyss of savagery out of which it has so painfully climbed. Be it the task of religious liberals to prevent that torch from becoming dimmed by the sophistry which denies that killing is murder provided it be done on a large enough scale and by organized, state-sanctioned means. Be it the task of religious liberals to prevent that torch from becoming quenched in the casuistry which pretends that the killing of men is justifiable because of the end which is sought. Let religion reject the so-called justice which is pedestaled upon the physical and moral victims of warfare. Let liberals, convinced that even

“to further Heaven’s ends they dare not break Heaven’s laws,” deny the name of liberty to that license which destroys human lives and causes untold human misery, even though material prosperity or even moral progress may follow in its train. Let them say to governments whose function it is to administer law: Ye shall not divest yourselves of law beyond the territorial limits of your states and resort for the accomplishment of your purposes to violence and force. Let them say to the nations who demand great armies: They that take the sword shall perish by the sword. Let them say to the peoples who demand great and ever-growing navies, pleading that their warlike preparations are inspired solely by a love of peace: Ye cannot serve both the god of warfare and the Prince of Peace; for either you will hate the one and love the other, or else you will hold to the one and despise the other. Let them say to the false prophets who teach that if men desire peace they must prepare for war: Ye cannot gather figs from thorns nor grapes from thistles; and if ye sow the wind, ye shall reap the whirlwind.

Above all, in this path of their duty, religious liberals must see to it that their *churches* are cleansed of the abominations of the dogs of war. There must be no Christianized Woden or Judaized Moloch in the sanctum sanctorum of church or temple. There must be no service of song or prayer or penance designed to procure from the Father of *all* mankind a victory on the field of battle for some of His children and death and defeat for others of them. No minister of God who professes to be about his Father’s business must bless the martial banners of opposing hosts, or send out soldiers from God’s holy altars to slay God’s other children. The missionaries

whom they send to foreign lands must be taught that it is not to their country's warships cruising off the "heathen's" coasts that they must look for their strength and their protection. The heathen who are sought to be converted to a better mode of life must not receive a Bible from one hand and the menace of a sword from the other. To religious liberals, if to any one on God's earth, should be confidently intrusted the duty of putting an end forever to the last vestiges of that old method of conversion illustrated by Charles the Great when he drove the Saxons by the thousand, at the edge of the sword, into the baptismal waters. Religious liberals must see to it that the missionary enterprise of the future shall be inspired solely by the fearlessness of bodily death, by the forgiveness of persecutors "not knowing what they do" and by the entire rejection of any aid dependent upon the threat or the reality of physical force.

There was a time, very recent in our country's history, when sections of the church defended, condoned or bewailed the necessity of the institution of human slavery. To-day there are sections of the church which defend, condone or bewail the necessity of human warfare. The call has come clear and clearer to religious liberals, in whatever section of the church they may worship, to denounce uncompromisingly the institution of human warfare; to brush aside the shams and sophistries which seek to hide in flaunting or flimsy phrase the whole dark butchery of war; and to bid men divest their souls of fancied fears which make them hug the iron chains of warlike preparations. It is one high mission of religion to lead men to face with confidence serene that Valley of the Shadow of Death into which every mortal must

some time pass ; let it be the religious liberals' task to bid the nations pursue their paths through life serene and calm, refusing to be terrorized by fear of the subjunctive ; refusing to replace the rational and manly motto of "dread nothing" by the hysterical one of "dread-noughts," which means in reality "dread everything" ; refusing to die a thousand deaths in fearing one ; refusing to create an atmosphere of suspicion toward this or that other nation ; refusing to forge for themselves the chains of their own slavery ; refusing to place a burden on their backs which shall bow them to the earth and shut out from their vision not only the truth of heaven but also the truth about their fellow men.

Let it be the religious liberals' second duty, as standard bearers in the cause of peace, to lead men's minds away from warlike, brutal and foolish means of settling international disputes, and toward the discovery and adoption of peaceful, rational and twentieth-century means. Throughout the gloom of centuries of warfare the advocates of peace have toiled faithfully but too often half-despairingly onward toward some far-off imagined day when law should take the place of violence in international affairs, and heroic souls have cheered each other by the cry, "There must be refuge ! What good gift have our brothers, but it came through toil and strife and loving sacrifice ?" To our eyes, in the dawn of this twentieth century, has come the clear vision of that refuge. We have seen the nations twice assembled in conference at The Hague ; we have seen them acknowledging in word and deed the fact that they are one single family, each member possessing inalienable rights and bounden duties ; we have seen them adopting great codes of law which

shall throw the mantle of scientific aid and of human charity over the brutalities of war, and shall restrict the devastations of warfare on land and sea to narrow channels, protecting from its havoc, as far as may be, the great world of peaceful industry and progress. We have seen the corner stone laid at The Hague of a beautiful Palace of Peace, which is to afford a home to institutions for the peaceful settlement of international disputes; for here will be housed the international commissions of inquiry, the Permanent Court of Arbitration, with its arbitral tribunals, Permanent Bureau and Administrative Council, the International Prize Court and the Court of Arbitral Justice — all of which have been adopted or provided for by the two Hague Conferences, and some of which have already been put into beneficent activity.

Laying up all these things in our hearts, remembering them faithfully and hopefully, and praying God to be with us still, lest we forget them, let it be our high privilege and bounden duty as religious liberals to emphasize in the midst of war's alarms the great fact that there are available and mandatory these peaceful and honorable means both of settling quarrels and of procuring justice; let us exalt these means above warfare or preparations for warfare, as high as light is above darkness, as heaven is above hell; let our voices in clarion tones ring out above the fears and clamor of the thoughtless or the ambitious the insistent cry, "To The Hague, to The Hague! God wills it!" Let us suffer no sophistries as to righteousness and honor being preferable to peace; but, backed by God's word and human experience, let us proclaim that peace is righteousness, that peace and honor are now and forever one and inseparable.

## XII

### A POSITIVE PROGRAM<sup>1</sup>

More than three thousand years ago, when a young and feeble nation, still in its nomadic stage of existence, was struggling with the moral evils which encompassed it round about in the wilderness of sin, Jehovah wrote with his finger upon tablets of stone a code of moral law. This code, which Jehovah's servant, Moses, brought to the people of Israel from Mt. Sinai's cloud-capped summit, numbered only ten commandments, but they dealt with the fundamental failings and the primal passions of mankind. Polytheism, idolatry, irreverence, materialism, murder, adultery, theft, false witness and envy were pointed out by God's finger and denounced in words accentuated with thunder and lightning from the desert mountain's top. These commandments have come rolling down across the centuries and across lands and seas, and have become the basis of every civilized people's moral code. They have been re-enforced in the individual's conscience by identical commandments written by God's finger upon every individual soul.

That one among them which here concerns us most is couched in four simple words — Thou shalt not kill. Kings, legislators, judges, God's priestly servants, the awful warnings of conscience and the tender pleadings of the better angels of man's nature have sought with

<sup>1</sup> An address given before various Pennsylvania audiences.

threats or tears to enforce this command. Retaliation, the death feud, the wergeld, outlawry, torture, transportation, life imprisonment, the death penalty, have all come to the aid of social condemnation and the agonizing pricks of conscience, and have been leveled against the world-old, world-lasting sin and crime of murder. It is one of the burdens of humanity which must continue to be wrestled with as inevitably as sparks fly upward, and until the spirit of man has become transformed by the spirit of God.

But what chiefly concerns us to-day is the fact that men in their social capacity have refused to regard killing under certain circumstances as murder. Homicide in tournaments, duels, prize fights, at the stake or on the scaffold has been excluded from the category of murder and has been sheltered beneath the "code of honor" or the "majesty of the law." And while all of these illusions have been discarded or are fading away in the light of the twentieth century, there still remains with the nations the belief that organized, state-supported killing, or warfare, is not prohibited either by the law of Moses or by the law of Christ. Rulers have steadfastly refused to agree with Lowell's dictum:

Ez fer war, I call it *murder* —  
Ther you hev it, plain and flat;  
I don't want to go no furdur  
Than my Testymnt fer that.

And soldiers have steadfastly refused to respond to the Quaker appeal to submit to fine and imprisonment rather than to be led or forced upon the field of battle, to be shot down rather than to shoot to death another human being, or to render on the battlefield only those services

which will mitigate rather than increase human suffering. So deeply rooted in tradition and education is the belief that warfare is not murder, and that it is inevitable and unavoidable; so determined and continuous are the enormously increasing preparations for warfare in every civilized land in this twentieth century of Christianity; so far are the nations in their political capacities from living up even to the Mosaic commandment, that many devoted apostles of the Prince of Peace have despaired of mankind's ever reaching the goal of universal peace and brotherhood.

The ten negative commandments of the early Hebrew leader were supplemented nineteen centuries ago by two positive commandments, one of which enjoined love for one's neighbors as for one's self; the Mosaic negative commandment, Thou shalt not kill, was supplemented by Christ's great positive commandment, Love thine enemy, do good to them that hate thee. If the world still justifies organized killing, or warfare, the despairing lover of peace exclaims, if men have not yet reached Mt. Sinai's summit, how long will it be, O Lord, how long, before men and nations can attain to Mt. Calvary's heights? There is probably no one of the friends of peace who has not struck at times this note of discouragement and despair. Young men and women, especially, whose patience is not that of the older reformer, who have not learned from long experience how slowly grind the mills of God, are peculiarly liable to believe that no practical good can be accomplished for the cause of peace by perpetually proclaiming the Mosaic command, Thou shalt not kill, or by holding up Christ's standard of Love thine enemy.



Meanwhile a certain positive philosophy of peace is being offered to the world and is supported by plausible arguments and powerful appeals to human passions and ambitions. If you desire peace, prepare for war, says this philosophy; pile up armament upon armament, and cover the seas with dreadnoughts; thus only can you prevent those nations who desire war from carrying out their fell design! Now it is not merely the plausibility of this philosophy that makes it appeal so powerfully to young and ardent minds; it is rather the fact that it is a positive program, and not a mere negative commandment like the Mosaic one. It is true that there is another positive philosophy of peace — the gospel of Christ, the gospel of love; but this is deemed too exalted for human attainment this side of the millennium. It is true that William Penn, in his Holy Experiment in Pennsylvania, put this gospel into successful application; but Indian politics account for this success, say some of the critics, while others assert that it would be attainable on the world's stage only if all the world were Quakers.

Is there, then, no positive program for the Peace Movement which shall supplement the Mosaic Thou shalt not kill, and which shall form an intermediate resting place in the world's journey upward toward Christ's goal of Love thine enemy? I rejoice to say that there is such a program, and I believe that it also is in accord with Christ's gospel. This program is one whose foundations were laid, and some of whose parts were developed, by the two great Peace Conferences held at The Hague in the summers of 1899 and 1907. Its parts thus far developed are three in number, and are known as international commissions of inquiry, mediation and international courts of arbitration.

International commissions of inquiry are based upon the worldly-wise advice, Investigate before you fight; and they are justified by Christ's injunction and promise, Know the truth, and the truth shall make you free. Their sole object and effect is to ascertain the truth in regard to international disputes, and they are so constituted and equipped that their inquiries may be both thorough and impartial. They have been resorted to already, since the First Hague Conference, in at least one notable instance, the dispute between Great Britain and Russia in regard to the Russian destruction of some British fishermen and fishing boats off the Dogger Bank. A simple statement of the facts in this case served to assuage the indignation of two great nations and to prevent a probable war between them. Thus was strikingly illustrated the truth of the saying, Investigate and you won't fight; while again was realized Christ's promise, The truth shall make you free, — free from misunderstanding, prejudice and passion.

Again, at the Hague Conferences the nations realized and solemnly asserted the fact, which has been so long struggling for acceptance in international law, that all the nations of the world are members of one international family, and that it is not only the privilege but the duty of any member of the family to extend its good offices to other members between whom a dispute may arise, and to offer to mediate between them for the peaceful solution of their dispute. Not only was this done, but it was unanimously agreed that the parties to the dispute should each select a member of the family to act as its representative in endeavoring to secure a peaceful adjustment of the difficulty; and in

case such adjustment cannot be secured and war should ensue, these representatives should watch for and seize upon every possible opportunity during the war for bringing it to an end. By this positive and definite means of mediation and special mediation the nations have asserted their acceptance of what is called in political phrase "the solidarity of the nations," and what is called by Christ "the brotherhood of man." They have acknowledged that they are, in a sense, their brother's keeper; and have recognized as a duty, which they have promised to fulfill, the apostle's injunction: "If any man obeyeth not our word by this epistle, note that man, that ye have no company with him, to the end that he may be ashamed. And yet count him not as an enemy, but admonish him as a brother."

Finally, the Hague Conferences have unanimously asserted the desirability and utility of arbitration, have established two international courts of arbitration, have recommended another most promising one, have provided a complete and helpful code of procedure for these courts and have declared that at least two classes of international disputes — those having to do with the collection of contracted debts and those having to do with the capture of private property during warfare on the sea — shall be submitted to arbitration.

In accordance with the principle thus laid down, there have been negotiated within the last ten years scores of treaties between various nations providing for the settlement of disputes between them by the peaceful means of arbitration; and in compliance with the practice thus provided for, there have been twelve important international disputes tried and settled before

the Hague Court of Arbitration, and nearly a half dozen more have been made to enter upon the same peaceful path. This method of settling disputes in the family of nations is also marked not only by worldly wisdom and common sense, but by compliance with Christ's precepts as well. For it is in accord with that method prescribed by Jesus to his disciples: "And if thy brother sin against thee, go, show him his fault between thee and him alone; if he hear thee, thou hast gained thy brother. But if he hear thee not, take with thee one or two more, that at the mouth of two witnesses or three every word may be established. And if he refuse to hear them, tell it unto the church; and if he refuse to hear the church also, let him be unto thee as the Gentile and the publican."

One of the most encouraging facts about the rational and Christian method of arbitration is that not a single member of the family of nations — not even Venezuela — has "refused to hear" the voice of justice when proclaimed by the arbitral tribunal, or to abide by the arbitral award; still less has it been necessary for the family to treat any of its members "as the Gentile and the publican."

Such then — summarizing briefly what I have elsewhere said at length — is the positive program for the Peace Movement. When we consider the reason and justice and solidarity which underlie it; when we consider what has already been accomplished by it, what a veritable revolution in international law it has achieved; when we consider its great and fruitful promise of increased usefulness in the future, we may believe that, in very truth, we live in the dawn of a new and glorious era. It is true that across the sunny sky of this new era there lies the

shadow of enormous and increasing armaments. But there are many signs that the reason and conscience of thinking men are revolting more and more against the folly and the wickedness of the draft and the dreadnought; and the strong and determined movement for at least the limitation of armaments is bound to succeed. But, most encouraging of all, the realization of what I have called the positive program of peace will remove the necessity or the excuse for armaments and will take a long stride toward that happy day when swords shall be beaten into plowshares and spears into pruning hooks.

Meanwhile, in most international disputes, right shall take the place of might; justice shall be sought rather than victory; and the Prince of Peace shall replace in the nations' hearts and temples their false gods of battle. Meanwhile, too, let us see to it that, individually and collectively, we do all that in us lies to make successful this Holy Experiment of our own day and generation. Looking back as we do with justifiable pride and gratitude to the principles and practices of William Penn and the Quakers of the olden time, we should be unworthy of the name which they have made illustrious, we should be unworthy of the name of Christians, did we fail not merely to sympathize with, but to work actively and devotedly for, the carrying out of this positive program for the great and glorious and righteous peace cause of our time.

Let it be our duty and endeavor, then, to promote between civilized nations that policy which William Penn practiced in the Indian-haunted forests of Pennsylvania — the policy not of dreadnoughts but of dread nothing, not of keeping our powder dry but of trusting

in God. Let it be our task to secure between the nations, in case of difference, a resort to commissions of inquiry and to mediation, even as William Penn induced the Swede, the Hollander and the Englishman, on the Delaware's banks, to settle many of their differences out of court by having recourse to the friendly mediation of official arbitrators. And, finally, let it be our high privilege to work with brain and heart and soul for the realization in this our century of that ideal which William Penn dreamed of two centuries ago — the ideal of an international court of arbitral justice. By so doing we shall be worthy of being known not only as Pennsylvania Friends, the heirs of William Penn, but as peacemakers, the children of God.

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### XIII

#### THE AMERICAN FLAG<sup>1</sup>

When I was a high-school boy in the city of Baltimore, Maryland, I took great pleasure in going down to old Fort McHenry, which stands on the edge of the city overlooking the Patapsco River and the city's harbor. This old fort was the scene of one of the battles in the War of 1812; and lying upon its grassy embankments, beneath the shadow of the American flag, I could dream to my heart's content of the day when, according to my school history, the boys of 1812 repulsed the British fleet and saved Baltimore from capture by the redcoats.

The study which stood out most prominently in my school days was the history of the United States; but this "history" was devoted almost exclusively to armed conflicts with redskins, redcoats, Mexicans and rebels, although to the south of Mason and Dixon's line we were carefully taught that the last named were not "rebels" but "Confederates." As a result of this kind of historical study I saw in the American flag only an emblem of warfare, a banner of victory over cruel and tyrannical invaders. "Maryland, my Maryland" was a very familiar song in my boyhood, and some "despot's heel" seemed to be ever trampling through the pages of my country's history. Down at old Fort McHenry, too, was waving the very same Star-Spangled Banner about

<sup>1</sup> Address in Chicago, during the Second National Peace Congress, 1909.

which Francis Scott Key wrote his song as he lay a hostage on board a British ship, thinking of the fort and wondering if it still held out in the dawn's early light.

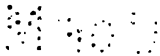
It is not strange, perhaps, that under these conditions I should have received a grossly distorted impression of our country's history, and have seen in our country's flag only the red blood of battle, the white badge of victory and the starry blue of heaven looking down upon deeds of military daring. But as the years passed and I read better books and thought more about the work which our forefathers had accomplished, I found that the military pages in their history were not by any means the brightest, and not even the most numerous or most important. I found sad blots on the pages which told of the Civil War, — even of my Maryland's share in it, — and of the Mexican War and the War of 1812, and even of the Revolutionary War itself. Of course I never lost my veneration for the genuine courage and the devotion to high ideals which many of the boys of '76 and of the succeeding wars showed in their conduct on battlefields. But I found that this courage and devotion had been born and nourished in the daily paths of peaceful life, and carried thence to battlefields by citizens who had become soldiers for a very short period of their lives. And I found that their fathers and mothers, sisters and brothers, — far more numerous than they, — who remained at home engaged in quiet industry, exhibited the same high traits of courage and devotion in equal or greater degree, though in less conspicuous ways. I learned, too, that the battles themselves were only the relatively unimportant episodes, and not the great motive forces, in our country's history; for I found that the victories of



peace were not only far more numerous and important, but illustrated in far more fundamental and more lasting ways the courage and devotion which we love to associate pre-eminently with the character of patriotic Americans. Thus I came to see in our country's flag not chiefly the emblem of victory in warfare but the ensign of some of the best and noblest things that all of human history can show. Let me tell you briefly, as we look upon Old Glory flying here before us, of some of these great and noble things which I have learned to see in the Stars and Stripes.

I see a great and virgin continent, stretching from ocean to ocean, and from the frozen lands of Canada to the semitropics of Mexico. It is covered, over vast areas, with the forest primeval; its only avenues and roads are Indian trails or the paths of wild beasts; its only denizens are men still living in upper savagery or lower barbarism, or the beasts of the forest and the plain. Here and there the Indian women have made small gardens by the use of stone hoes, and a few beans or pumpkins or bits of Indian corn are raised to eke out the precarious existence which is led in squalid huts grouped in transient villages.

And now only three centuries have passed, — which is but a tiny span in human history, — and what a change have our fathers wrought! The forests have been felled, the land plowed and great crops of cereals and herds of cattle raised to feed not only our own countrymen but the world as well; the treasures of the mine, the river and the sea have been exploited for man's use; railways, canals and highways penetrate to every nook and corner of the continent; the mail wagon, the telephone and the



telegraph bind every section of our people to each other and the outside world; factories, homes, villages, a half dozen of the world's greatest cities, have sprung up as if by magic within a few score years or a single generation.

The first thing that I see in our country's flag, then, is this marvelous march of civilization—unparalleled in the world's history—across this vast and virgin continent; and accompanying that march I see the courage which enabled the pioneer to face the peril of wild beast and brutish man, and the devotion to high ideals which enabled the farmer and laborer of every kind to endure the hardships of a toilsome, lonely and bare existence. Even in these days of our prosperity and material wealth I see the same daring and persistent determination to bend every force of nature to the use and comfort of man. And united with this somewhat materialistic ideal I see other and higher ideals whose realization depends largely upon material progress.

Education is one of those other ideals—an education which shall be extended to every boy and girl, no matter how poor or lowly they may be, and which shall carry them, if they have the capacity to utilize it, from the kindergarten through the university. In pursuit of this ideal the early colonists made the schoolhouse one of their very first buildings, statesmen of a later day have lavished the public land and public revenue upon the public schools, and public-spirited citizens have given vast sums of money to the promotion of lower and higher education alike. Coupled with this ideal is another one—that education is to be provided for every boy and girl, not solely for the sake of their own development and prosperity, but primarily that they may become good

citizens, capable and desirous of rendering helpful service to others in both their public and their private life. It is this great twofold educational ideal of which I think first, as I look upon the flag as it floats over schoolhouse and college. May the Star-Spangled Banner wave over every school building throughout our broad land, in city and country alike; and may the scholars who assemble beneath it see in it the best things for which it really stands, and determine that, as far as in them lies, those best things shall remain untarnished and undiminished.

Beside the schoolhouse the early colonists planted the meetinghouse or church; and although there was a brief period of religious persecution in some sections of our land, it soon became a cardinal principle of our fathers that religion should be fostered by assuring to it entire liberty. No so-called religious wars, thank God, have disgraced our country's history; and far from seeing in our flag the emblem of such warfare, I see in it the palladium of religious liberty, the emblem of freedom and protection to every form and manner of religious belief which manifests itself in peaceful and unpernicious ways. Protection of the church and chapel, the synagogue, the meetinghouse of every kind, and promotion of the service of God and his children, for which they stand — such is one of the brightest stars in our flag's constellation.

America, the home of the homeless, the refuge of the exile and the outcast — such is another of our great ideals. Thousands and tens of thousands of emigrants from every clime and nation have poured into our broad lands in an ever-increasing stream, finding homes for themselves and helping greatly to develop the country's

resources. The reflection of this great fact, also unparalleled in the world's history, forms one of the brightest stars or stripes in our country's flag; and I have never seen the flag waving in a city of some foreign land without thinking of this world hospitality for which it stands.

The successful inauguration of popular self-government—government of the people, by the people and for the people—this forms another and one of the proudest pages in our country's history. Immigrant and native alike are enrolled in the ranks of a common citizenship and march together to the polls, where heads are counted, and not broken as they are on battlefields, and where the people decide for themselves who shall make their laws and execute them, and usually, indeed, what laws they shall make. Your own great fellow citizen, Abraham Lincoln, gave expression to this ideal when he said that no man was good enough or wise enough to rule over another man without that other man's consent. And although the people sometimes make mistakes and follow the wrong leaders, we can still accept as true another of Lincoln's sayings, that, though you can fool all of the people some of the time, and some of the people all of the time, you can't fool all of the people all of the time. Is it not a truly glorious inspiration to see in our country's flag this lesson which it was first to teach the modern world, that the people can rule themselves, and that on the whole they will rule wisely and well?

Another political ideal which our fathers have realized, side by side with that of self-government, is the ideal of union. Every township, city, county and state in our great continental domain is ruled by its own people; and yet from Maine to California, from Dakota to Texas,

we are all united in a single national government. This problem of *e pluribus unum*, of making one out of many, of creating a strong national government and at the same time leaving self-government in the hands of the people in their local communities, is one of the most difficult political problems which the minds of men have ever been called upon to solve. And yet how marvelously have our fathers solved it! How strong are the forces which bind our people together in the national Union, and how perfect is the governmental machinery which has been provided for their operation! In their presence disunion has disappeared a dozen times in our history; and in their presence even the battlefields of Vicksburg and Gettysburg dwindle into insignificance. The Stars and Stripes themselves bear visible testimony to the triumph of this great American ideal; for while the thirteen stripes commemorate the union of the thirteen original commonwealths, a new star is added to the field of blue for each new state admitted to the Union, until at length there are forty-six shining within its firmament.<sup>1</sup>

It is the realization of the ideal of union in so marvelous a way which gives us great hopes for the speedy realization of the last American ideal of which I shall speak to you to-day. There is meeting at the present time, in your great city of Chicago, a National Peace Congress, to which have come representatives from more than half a dozen other nations of the earth. The sessions of this congress are devoted to the ideal of a fraternal union between all the members of the family of nations — a union in which law and justice shall take the place of force and warfare, in which the smallest and the largest

<sup>1</sup> This was written in 1909. There are now forty-eight states.

nation shall be on the same terms of equality before the law of nations, as are mighty Texas and "Little Rhody" in the presence of the American Constitution. The inclusion of forty-six commonwealths, some of which are like mighty empires in themselves, within a single political union; the enrollment within a single citizenship of men of every kindred, tongue and people; the peaceful residence, side by side, of men from every land and clime; and the maintenance of genuine local self-government — such are the political triumphs achieved by our forefathers. And these triumphs give a great hope and a great incentive to us, their descendants, to strive with might and main to realize this last, international, ideal of which I spoke.

One of our great secretaries of state, John Hay, who first became famous as a poet of your own state of Illinois, has expressed the true American feeling in regard to warfare among nations in these stern but wholly truthful words. "War," he said, "is the most ferocious and futile of human follies." It was this same great statesman also, who, in his instructions to our American delegates to the First Hague Conference, said, "Next to the great fact of a nation's *independence* is the great fact of its *interdependence*."

International peace and interdependence — such are the foundations upon which our ideal of internationalism must be realized. What country is better fitted than the great peaceful republic of the western hemisphere to take the lead in the realization of this ideal; and what generation of American citizens can be more bound than the present one, by the benefits they have received, to strive their utmost for its realization? Thanks to the

courage and devotion of generations of our ancestors, American history is rich indeed in the realization of high ideals, and the American flag is radiant with the reflection of them. Let us see to it that our generation shall not pass away without realizing this great ideal of international peace and justice. And then our children and our children's children, pointing to the pure white border which, in token of a flag of peace, shall surround the Stars and Stripes, shall say, That is the emblem of international peace and good will which our fathers strove manfully to realize for themselves and for all the world, and which, like a silver frame round a picture of gold, beautifies and hallows all that is within, and makes doubly dear to us the dear old flag.

## XIV

### THE RECENT PROGRESS OF INTERNATIONAL ARBITRATION

International arbitration, like all other great movements in the world's progress, has had to make its way slowly and to overcome skepticism and active hostility. Less than forty years ago, March 3, 1873, Lord Salisbury, in speaking of the *Alabama* arbitration, said: "I am afraid that, like competitive examinations and sewage irrigation, arbitration is one of the famous nostrums of the age. Like them it will have its day and will pass away, and future ages will look with pity and contempt on those who could have believed in such an expedient for bridling the ferocity of human passions." During the next twenty years Lord Salisbury saw a great light, and under its beneficent influence he exclaimed, in a speech at St. Leonard's during the summer of 1892: "After all, the great triumph of civilization in the past has been in the substitution of judicial termination for the cold, cruel, crude arbitrament of war. We have got rid of private war between small magnate and small magnate. In this country we have got rid of the duel between man and man. We are slowly, as far as we can, substituting arbitrament for struggles in international disputes." Had this eminent English statesman lived another score of years, he would doubtless have yielded entirely to the logic of experience and reason, and been fully abreast of



the leaders of 1912 in the cause of arbitration; in particular, he would doubtless have joined the leading statesmen of England to-day in cordially welcoming President Taft's proposal to arbitrate all justiciable international disputes. A brief review of the recent history of arbitration will make clear the reason for this great reversal of judgment between the Salisbury of 1873 and the Taft of 1912.

The modern history of arbitration begins, practically, with the arbitration clauses in the Jay treaty of 1794 between the United States and Great Britain. These clauses contributed to the general unpopularity of the treaty, which put an end to the public career of its author and helped to prevent him, one of the three or four greatest of our early statesmen, from being elected to the presidency of the republic.

In accordance with this treaty the northeast boundary line of the United States was submitted to arbitration in 1796; and during the century and a quarter which followed, there have been settled by arbitration eight different disputes connected with the boundary line between the United States and Canada. As a result of the successive applications of judicial principles to these international disputes, not only has this long boundary line of nearly four thousand miles been definitively settled, but the maintenance of peace between the two countries has been made possible throughout a century without the "protection" of a single fort stationed at any point of this continental dividing line.

In addition to these eight boundary disputes, eleven other disputes between the United States and Canada have been referred to arbitral settlement and brought to

a successful conclusion. The past at least is secure; and the future peaceful relations between the two great American neighbors are provided for, in hopeful measure, by the General Arbitration Treaty of 1908, which provides for the reference of certain classes of disputes to the Permanent Court of Arbitration at The Hague, and by the waterways treaty of 1909, which provides that every dispute relating to the boundary waters may be submitted to an international joint commission appointed by the two governments.

The history of the arbitration of differences between the United States and Great Britain, the mother country of Canada and the United States alike, has been full of instruction and inspiration. Beginning with the two arbitrations provided for by the Jay treaty of 1794 (Articles VI and VII), and excluding the Canadian disputes, the two countries have settled by peaceful arbitration no less than nineteen disputes. Within this list have been several questions of grave importance, affecting the honor and vital interests of both parties. The Geneva award of 1872, which settled the *Alabama* claims, stands out as the great beacon light in the path of nineteenth-century arbitration; and the Hague court's settlement of the North Atlantic Coast Fisheries case in 1910 is a shining illustration of the ease with which judicial procedure put a quietus upon a controversy which had vexed the channels of diplomacy for nearly three quarters of a century.

The crown of this history of Anglo-American arbitration is the General Arbitration Treaty, negotiated between the two governments in 1911. Of such fundamental and far-reaching importance is this treaty that a

brief sketch of the steps leading up to it should prove instructive and encouraging.

The Geneva award was so eminently successful that international arbitration became a familiar "plank" in the presidential platforms of both the great American parties, while various proposals were introduced in the United States Congress for negotiating a general treaty of arbitration with Great Britain. These advances met with cordial response in the British Parliament, two hundred thirty-two of its members signing in 1887 a memorial, which was prepared by Randal Cremer and which promised support to the proposed treaty as soon as it should be negotiated. Eleven members of Parliament and three representatives of the Trades Union Congress came to Washington and, introduced by Andrew Carnegie to President Cleveland, presented the memorial to him and visited in its behalf both Houses of Congress. After the presidential election of 1888 had allayed the party fear of losing "the Irish vote," the two Houses passed a concurrent resolution (June 14, 1889) requesting the President to negotiate arbitration treaties with other governments, and large public meetings in support of the resolution were held in a number of American cities and were addressed by members of the British deputation and by American orators as well.

During four years after his return from America Randal Cremer made repeated endeavors to secure the adoption by the British Parliament of a resolution similar to that adopted by the United States Congress, and finally succeeded in doing so (June 16, 1893) with the assistance of Gladstone, Sir John Lubbock, Sir William Harcourt and others. President Cleveland, meanwhile, had •

entered upon his second term, and Cremer procured the signatures of three hundred fifty-four members of Parliament to a second memorial advocating a treaty, and presented this memorial to the President and to the Senate Committee on Foreign Relations in January, 1895. Although both governments seemed favorable to the proposed treaty, its negotiation was retarded, first, by the death of Secretary Gresham in May, and then by the crisis of the Venezuela boundary dispute, which occurred in December, 1895.

After the Venezuela dispute had been peaceably settled, and largely in consequence of the popular alarm at the imminence of the war which it had threatened, Mr. Gresham's successor, Secretary Olney, negotiated with the British ambassador, Sir Julian Pauncefote, a treaty of arbitration, which was signed January 11, 1897. When this was submitted to the United States Senate for ratification it received an affirmative vote of 43 and a negative vote of 26, thus lacking three votes of the necessary two-thirds majority. Its defeat has been attributed to the opposition of Senator Morgan of Alabama, who had participated in, but had not been satisfied by, the recent Bering Sea arbitration, and to that of Michael Davitt, the Irish agitator, who was in the United States at the time and who exerted a great influence upon the Irish American constituents of members of Congress.

The next great impetus toward the negotiation of general arbitration treaties was given by the First Hague Conference, held in 1899. President McKinley's great Secretary of State, John Hay, who had aided that Conference in notable ways, negotiated with Great Britain and other countries treaties which provided for the

submission to arbitration of practically all questions not affecting "the vital interests, the independence or the honor of the two contracting states," and not concerning "the interests of third parties." They were submitted to the Senate for ratification in 1905, but because of the fact that under them the *compromis*, or special agreement which must be entered into in each particular case for the purpose of defining the questions and the powers of the arbitrators in that case, was to be made by the executive without reference to the Senate; the Senate by a vote of more than five to one amended them so as to secure to itself for advice and consent the submission of all such special agreements. In this amended form they were not presented by the executive to Great Britain and the other powers, and hence did not become operative.

The Second Hague Conference gave a renewed and powerful impulse to the furtherance of arbitration, and Mr. Hay's successor as Secretary of State, Elihu Root, who also rendered ever-memorable services toward the work of the Second Hague Conference, made his term of service illustrious by the negotiation of more than a score of arbitration treaties with various countries. These treaties provided for the arbitration of all questions, with the exceptions noted before, and recognized the right of the Senate to advise and consent to all special agreements made under them. One of them was negotiated with Great Britain and went into operation June 4, 1908, to remain in force during the period of five years.

It was by the proclamation of President Taft that this treaty became national law, and it was due to his initiative that the latest and, for several reasons, the greatest

step in the development of international arbitration has been taken. In an address in New York, March 22, 1910, given under the auspices of the American Peace and Arbitration League, President Taft said: "I have noticed exceptions in our arbitration treaties, as to reference of questions of national honor to courts of arbitration. Personally I do not see any more reason why matters of national honor should not be referred to a court of arbitration than matters of property or of national proprietorship. I know that is going farther than most men are willing to go; but I do not see why questions of honor may not be submitted to a tribunal composed of men of honor, who understand questions of national honor, to abide by their decision, as well as any other questions of difference arising between nations."

Under the influence of such words from so responsible a source, negotiations were soon begun between the government of the United States and that of Great Britain, which resulted in the famous treaty signed by its negotiators August 3, 1911, and submitted to the Senate for ratification one week later.

This treaty attracted the absorbed interest and solicitude of the entire family of nations because of the advanced ground which it took by its provisions, first, for the arbitration of all justiciable disputes, and second, for the establishment of a joint high commission of inquiry designed to determine the justiciability or nonjusticiability of concrete cases as they arise.<sup>1</sup> During the Senate's consideration of the treaty an unprecedented campaign of education in favor of arbitration in general and of

<sup>1</sup> For a discussion of the significance of these provisions of the treaty, see above, pp. 68-81.

the treaty in particular was carried on in the United States and Great Britain. Many large public meetings were held in the great cities of the two countries; countless petitions were sent to the Senate; a large volume of exposition and exhortation flowed from the press; the church, the school, the women's clubs and the world of business made their voices heard in varying key but in no uncertain sound in favor of the treaty's ratification.

But the Senate's Committee on Foreign Relations presented a majority report adverse to the treaty's ratification as submitted; the militant, and sections of the Irish and the German, vote cast their shadow upon it from the approaching presidential campaign, and Mr. Roosevelt made opposition to it one of the entering wedges of the political agitation which was designed to land him for a third term in the White House. Under the combined influence of these adverse forces the Senate amended the treaty in such fashion as greatly to restrict the scope of the arbitration provided by it, and virtually to destroy the prime function of the Joint High Commission of Inquiry. Under these circumstances President Taft has not submitted the amended treaty to the governments of Great Britain and France for their acceptance. As William Pitt folded up the map of Europe after the news of Austerlitz, to wait for more auspicious times to further his measures of national independence and domestic reform, so President Taft is wisely waiting for the present cyclone of personal and party politics to spend its fury before taking up again the task of leading the United States and Europe through channels of bulwarked justice into the haven of assured international peace.

Not only as between the English-speaking peoples has the United States proved its confidence in arbitration. It has been a party to a total of more than one hundred arbitrations, and four fifths of these have been with non-English-speaking peoples. It has negotiated a large number of arbitration treaties with the rest of the world, and is now a party to twenty-five such treaties negotiated since March, 1908. With her sister republics of Latin America the United States has adjusted by arbitration more than forty international disputes. At times the great republic of the north is regarded by Latin America as a guardian angel, and at other times as a menacing ogre flourishing "the big stick" and seeking what it can devour. But there is much in the history of this frequent arbitration to give satisfaction with the past and hope for the future.

Boundary disputes and hundreds of personal-indemnity claims have been arbitrated between the United States and Mexico; the treaty of 1889 provided for a permanent Boundary Commission to determine questions arising from the changing courses of the Rio Grande and Colorado rivers; and the first case referred to the Permanent Court at The Hague — the case which enabled that court to spring from its apparently stillborn or moribund apathy into beneficent activity — was the Pious Funds case of 1902, which settled a dispute of more than a half century's standing. With thirteen other American republics the United States has arbitrated difficulties of varied kinds; and, following her course with Mexico, she has stood with Venezuela also before the court at The Hague in 1910, for the arbitral settlement of the Orinoco Steamship Company dispute.



By precept and example the United States has urged upon her American neighbors the right and the expediency of international arbitration, and they have been most honorably active in their response. Eighteen of the twenty Latin American republics have adopted it for the settlement of more than one hundred differences arising among themselves or with other countries. All of them accepted the Convention of the First Hague Conference for the Pacific Settlement of International Differences; Venezuela has appeared twice before the Hague Court, and Mexico once; and five Central American republics have joined in the establishment of the Central American Court of Justice. This court, agreed upon by Guatemala, Honduras, Salvador, Nicaragua and Costa Rica at the First Central American Peace Conference, held in Washington, D. C., in 1907, was organized the next year and has adjudicated two disputes: the first, in 1908, between the governments of Honduras, Salvador and Guatemala; the second, in 1909, between a citizen of Nicaragua and the government of Guatemala. Located in a beautiful courthouse, built in Cartago, Costa Rica, by the generosity of Mr. Carnegie, and rebuilt by his provision in San José after an earthquake had destroyed the first structure, this court has demonstrated the ability of a judicial tribunal both to abate revolution, the chief scourge of Latin America, and to adjudicate between individuals and governments as well as between governments themselves. Such is one most promising result, on the international plane, of the experiment begun in 1787 and embodied in the Supreme Court of the United States.

The Latin American republics, too, have eagerly adopted the policy of preparing for peace in time of peace

by negotiating treaties of arbitration with each other and with other countries; just half of the one hundred fifty-four treaties of arbitration at present in force between pairs of nations have been entered into by them, every one of the twenty republics having become a party to one or more of these treaties. The treaty of 1902 between Argentina and Chile is especially noteworthy for the twofold reason that it provides for a limitation of armaments and for the obligatory arbitration of all classes of disputes without restriction.

Latin America rallied nobly to the support of a world treaty of general obligatory arbitration proposed by the United States, and a world treaty of specific obligatory arbitration proposed by Great Britain and Portugal at the Second Hague Conference; and, on the motion of Peru, the Conference adopted the plan of facilitating a resort to voluntary arbitration by enabling one party to a dispute to notify the International Bureau at The Hague of its willingness to arbitrate, instead of requiring it to give this notice directly to its opponent.

But it is not only in the New World, where forty-eight self-governing commonwealths live under one flag, one nationality and one jurisdiction, and where twenty-one republics are striving to maintain their mutual relations in peace and justice, that arbitration has grown and flourished like the trees of its tropics and the fruits of its fields. The Old World, too, has felt the impulse of the life-giving principle of arbitration and can point to many and important applications of it. Nearly two thirds of the six hundred arbitrations have been participated in by European states, and about one twelfth by those of Asia and Africa. Great Britain heads the list with a

total of one hundred seventy arbitrations to her credit; the various German states come next, with one hundred twenty-three; and France a close third, with one hundred nine. Each of these great powers has submitted to the jurisdiction of the Hague Court — Great Britain in five of the twelve cases decided by it, France in six and Germany in three. One of the latter cases, the *Casablanca* case of 1909, is of exceptional interest from the European point of view, for the reason that it was a dispute between the recent foes and constant rivals, France and Germany.

The great powers of Asia, Japan and China have not been passed over by this element of Occidental civilization, the former power having participated in four arbitrations and the latter in eight. Japan, too, like the great powers of the West, has submitted to the jurisdiction of the Hague Court in the *Japanese House Tax* case of 1905.

The Old World has done its full share in weaving the network of treaties of obligatory arbitration by which the nations have become bound together. Of the one hundred fifty-four such treaties in force at the present time, one hundred five have been participated in by the governments of Europe and Asia, including the six great powers of Europe and Japan and China. Denmark has followed the example of Argentina and Chile in negotiating treaties of obligatory arbitration, inclusive of all classes of genuinely international disputes, with the Netherlands, Italy and Portugal.

In the light of the foregoing facts it is seen that arbitration has swept around the world along the three lines of the negotiation of arbitration treaties, the establishment

of courts of arbitral justice and the settlement of international disputes by arbitral awards. The past at least is secure, but the present and the future are demanding further progress along each of these three lines.

In the negotiation of treaties of arbitration a permanent world treaty must replace the twenty-three hundred fifty-two temporary treaties requisite for the binding of the nations together in pairs. Such a treaty of arbitration will not only become universal, embracing every member of the family of nations beneath its ægis, but will receive the direct sanction of the entire family of nations and will make its observance the duty and the right of all.

In the establishment of international courts of arbitral justice an advance must be made from temporary tribunals, constituted for the decision of special cases as these arise, to a permanent court which shall be vested with all the dignity and potency that come to a perpetual font of "justice broadening down from precedent unto precedent" — a court which shall be representative of the family of nations as a whole, but not of any special interests that may come before it, and which shall hand down not diplomatic compromises but genuine awards of justice based upon a slowly growing and universally accepted code of international law and equity.

In the settlement of international disputes the appeal to the god of battles must be replaced entirely by an appeal to law and justice; the world treaty of arbitration must reject exceptions based on "honor and vital interests," and must include, like those of 1911 negotiated between the United States and Great Britain and France, at least *all justiciable* cases; and an international grand

jury, the germ of which emerged in the American-British-French treaties of 1911, must decide upon the justiciability of disputes and bring them without hesitation or resistance before the court of international justice.

Behind this arbitration of the future, based as it will be upon a treaty uniting every government, enforced by a genuine international Supreme Court and embracing every serious dispute which can arise between nations, there will form the invincible power of a world-wide and enlightened public opinion, while above it will brood the benign spirit of permanent international peace.

## XV

### THE INSTRUMENTALITIES OF THE NEW PEACE MOVEMENT

Like other progressive movements in history, the Peace Movement has endeavored to forge new weapons for its use, — if so military a simile may be applied to it, — so that changed conditions and new opportunities may be successfully met. The spirit and object of the new movement are the same which for centuries have inspired the efforts of many generations of peace workers, and some of the instrumentalities of to-day are the same as those of a century ago, while others are quite new and recently adopted.

The second quarter of the last century saw the sessions of five General Peace Congresses held in the capitals of Europe; and the last quarter century has seen this effective instrumentality revived and used on a larger and more regular scale. Beginning with 1889, nineteen Universal Peace Congresses have been held in the large cities of both the Old World and the New, one meeting in Chicago in 1893, and one in Boston in 1904. Not only have the discussions and resolutions of these congresses done much to mold public opinion, but the intermingling of delegates from many lands has promoted mutual understanding between the nations, and their presence has impressed in many helpful ways the public mind of the country in which they met.

In July, 1911, an international congress of a most interesting and promising kind held its first session in London. This is the Universal Races Congress, which is designed to destroy the race prejudice which handicaps the Occident in its efforts to understand and appreciate the excellencies of Oriental character, individual and national. An International Council of One Hundred was created by the congress, which is intrusted with the task of "promoting cordial relations between all divisions of mankind, without regard to race, color or creed, and, in particular, of encouraging a good understanding between East and West." This council is to memorialize governments and scientific and humanitarian societies, and to shape popular education, in behalf of that interracial understanding and appreciation which is a fundamental prerequisite of genuine international peace and justice.

The Institut de Droit International and the International Law Association, both founded in 1873, and both holding frequent, nearly annual, meetings, are designed to promote the study of international law and the maintenance of international peace. The institute is a more technical association, including as it does a maximum of sixty active members and sixty associate members, elected from the world's leading international jurists; and it has rendered great service to the new Peace Movement by its initiation and elaboration of projects for the amelioration of the customs of warfare and for the practical application of the principles of arbitration, which formed the basis of discussion and action at the two Hague Conferences. The association includes within its membership publicists, business men, philanthropists and statesmen,

as well as lawyers and jurists, and its annual meetings and publications help greatly to develop the growing demand for the reign of law as regularly and surely within the international as within the national domain.

The Institut International de la Paix, founded by Prince Albert of Monaco in 1903, is another institution established for the purpose of spreading a knowledge of international law. It makes use chiefly of the press and publishes documents and materials of various kinds relating chiefly to the new Peace Movement.

Conciliation Internationale is the name given to a very active and far-reaching association which was founded in 1905 by Baron d'Estournelles de Constant of France, who has performed such notably efficient service in the rôle of peacemaker at The Hague, and in Germany, Great Britain, the United States and Latin America. This association has a branch in each of the great nations, and each national branch publishes a large quantity of the most recent material relating to the Peace Movement and distributes it widely and gratuitously. The American Association for International Conciliation, as the branch in the United States is called, has been especially active and influential in the publication of small monographs relating to many phases and methods of international conciliation, and in promoting the visits of distinguished foreigners to the United States, where they have undertaken long lecture tours in behalf of peace and justice. Such great apostles of peace as Baron d'Estournelles of France and Count Apponyi of Hungary have thus been brought into contact with many American audiences of varied kinds, — as has the Baroness von Suttner under other auspices, — and have brought their thousands of



auditors under the spell of their own inspiration for international peace.

One most promising means of promoting mutual understanding and friendship between nations, and especially of diminishing the bad results of governmental friction between two rival or semihostile nations, is that of arranging an interchange of visits between national delegations of leaders in various spheres of national life. Such interchanges between the representatives of industrial organizations have been of great service. In the summer of 1908 J. Allen Baker, M. P., of England, took the lead in organizing an eight days' visit to England of one hundred thirty-one leading pastors, priests and professors, representative of the State, Roman Catholic and Free churches of Germany. The party visited, under the escort of their British hosts, some of the most noteworthy places in England, attended churches, held conferences and meetings, and in a variety of ways "gave practical proof of their Christian fellowship and mutual interest in the cause of international peace." This visit was followed by a similar visit of British clergymen to Germany, and of German university students and German journalists to England. The great importance of developing a genuine and lasting spirit of friendship to take the place of the recent strained relations between the German and British peoples has been realized by the National Peace Councils of both countries, which have taken up the task for prosecution along every possible line.

The proximity of various European countries to each other has made possible the extension of reciprocal holiday visits on a large scale between the people of Great Britain, Germany, France, Belgium and Holland.

A Co-operative Holidays Association has been in operation during the past half-dozen years, with branches and holiday centers at various places, and has greatly facilitated the interchange of visits, even to the homes of its members, on the part of school-teachers, older school-boys and some classes of the working people.

To ordinary tourists and holiday makers who visit the Continent of Europe, a special appeal against war and in behalf of the peaceful settlement of international differences is made by the Jean de Bloch Foundation and Museum of Peace and War. This foundation and museum were organized in 1902 in memory of Jean de Bloch, author of the well-known work on "The Future of War." The foundation was endowed by M. de Bloch with 50,000 rubles, and fulfills the function of promoting conferences on peace and publishing tracts on the evil economic, moral and general social results of modern warfare. The museum was founded by M. de Bloch for the purpose of visualizing in every possible way the results of warfare and of armed peace, and of illustrating the probable consequences of a future war between any of the world's great nations. Located at Lucerne, Switzerland, in the midst of the surpassingly lovely scenery of the Alps, it is an impressive commentary on the sentiment of the familiar old hymn :

Where every prospect pleases,  
And only man is vile.

The modern tendency of students to seek educational training abroad has been taken advantage of for the furtherance of international peace, and the Corda Fratres, or the Association of Cosmopolitan Clubs, as the affiliated

organization is called in America, has been formed for the purpose of bringing together foreign students in the colleges and universities of many lands, of giving them a better understanding of each other individually and nationally, and of affording them a more intimate knowledge of the people among whom they are spending their years of study. The American association, although not yet a dozen years old, is especially large and active, being represented in thirty colleges and universities; it provides its large and truly cosmopolitan membership of more than two thousand students with frequent opportunities to enjoy local hospitality and to further mutual acquaintance; and it publishes a magazine, the *Cosmopolitan Student*, devoted to the interests of the association and of international friendship.

One of the best results of the re-established international peace congresses was the creation of the Permanent International Peace Bureau, or the Berne Bureau, as it is familiarly called. This was established in 1891 by the third congress (of the second series), which met in Rome in that year. Its central office is in Berne, Switzerland; its constituency comprises both associations and individuals; its official organ, published for many years under the name of *Correspondance bi-mensuelle*, has recently been enlarged and is now published monthly in several languages under the title of the *Peace Movement*. The duties of the bureau are to serve as an international clearing house and center of co-operation for the diverse and widely sundered forces which are working for peace throughout the world; to organize and prepare programs for peace meetings and especially for the international congress, the resolutions of which body

it is to carry out ; to build up a collection of books and documents relating to peace ; and to report the awards of arbitral tribunals and other significant international activities. The bureau has recently been co-operating with the Carnegie Endowment for International Peace, and, strengthened in part by the financial resources of that institution, it has a rare opportunity for unifying and re-enforcing the manifold agencies of world-wide peace.

Since the declaration of war has been pre-eminently a function of government, the new Peace Movement seeks especially to bind the governments to the work of maintaining peace ; and since popular pressure is brought to bear most directly upon governments either for peace or for war by means of their legislative departments, the new Peace Movement seeks to align in its interests the members of all the world's parliaments and congresses. This most promising and already very fruitful work is being accomplished by means of the Interparliamentary Union, which was founded in Paris in 1889 through the initiative of Randal Cremer. It has grown gradually during its short life, but already includes more than three thousand members of legislatures in more than a score of constitutionally governed states ; and this means that practically all of the important legislative bodies of the world are represented by about one fourth of their numbers. The union maintains the Interparliamentary Bureau, which is located in Brussels and is under the efficient management of the general secretary, Dr. Christian L. Lange, a distinguished parliamentarian and publicist of Norway. An executive committee and a council keep the bureau in touch with the union as a whole, and the union brings the members of its various

national groups together in annual or biennial conferences. The members of the national groups have undertaken to secure the adoption in their respective legislatures of a number of useful measures for the amelioration of international relations, and have been successful in doing so in many important instances. The conferences have been held in the capitals or large cities of Europe, — once at St. Louis, in 1904, — and have devoted themselves particularly to the task of promoting the work of the Hague Conferences, especially the substitution of judicial process for warfare in the settlement of international disputes.

The Hague Conference of 1899 owed its origin indirectly to the meeting of the Interparliamentary Union at Budapest in 1896, and the Hague Conference of 1907 was initiated by the union at its meeting in St. Louis in 1904. The crowning work of the Hague Conferences, too, — the Convention for the Pacific Settlement of International Disputes and the Permanent Court of Arbitration, — was based largely upon the discussions and reports of the Interparliamentary Union in its meetings as far back as 1894; and the interparliamentarians have been notably effective in promoting the negotiation of the long series of treaties of obligatory arbitration which has followed in the train of the Hague Convention.

Financed by the governments whose legislatures are represented in the union, sustained by responsible members of constitutional lawmaking bodies, and directed by statesmen eminent both for their practical sense and for their high ideals, the Interparliamentary Union is destined to play a leading part in the internationalizing of domestic legislation and in the enlightenment and energizing of international official conferences.

This great development of international activity in behalf of international peace has been reflected on a smaller but none the less promising scale in the case of Scandinavia and America. The Interparliamentary Union of the North is the name given to the union of legislators of Denmark, Norway and Sweden, the object of which is to promote friendship and co-operation between the three nations and to assure their independence and national development amid the possible clash of rivalries between themselves or on the part of the three "great powers" of northern Europe.

The United States of America has been determined ever since the promulgation of the Monroe doctrine in 1823 to prevent the extension to the New World of the political intervention and colonial expansion which have caused almost unbroken warfare in the Old. With the increase in the prosperity and power of the Latin American republics, this responsibility has come to be shared by them, and with this growing prosperity, power and responsibility has come a desire to allay mutual jealousies and aggressions on this side of the Atlantic. The first Pan-American Conference held in Washington in 1889, and the Pan-American Bureau established by it in 1890, are both the result of that desire and the source of a series of very useful measures taken in the interests of Pan-American peace and justice. The first conference gave its hearty indorsement to the principle of arbitration, and this has been followed by many applications of it in practice.<sup>1</sup> Three other conferences have been held (in Mexico, in 1901-1902; in Rio Janiero, in 1906; in Buenos Aires, in 1910), and have promoted in many ways

<sup>1</sup> See above, Chapter XIV.

Pan-American friendship and co-operation in the solution of Pan-American problems. Their permanent representative and executive is the Pan-American Bureau, located in a beautiful building in Washington presented by Andrew Carnegie, and under the efficient direction of Honorable John Barrett. Among the varied tasks of the bureau may be mentioned that of collecting and publishing in graphic forms and in four languages information of every kind in regard to the twenty-one republics of the western world.

When we turn to the instrumentalities of the new Peace Movement within the several nations, we find a multiplicity and efficient activity equal to that which is so striking on the international stage. The United States led the way in the organization of peace societies, the first of its kind in the world having been the New York Peace Society founded by David Low Dodge in the year 1815. At least seven other American countries have followed the example of the United States: Great Britain's first society was founded in 1816; sixteen other European countries have taken the same step; Australia and New Zealand, Japan and even Africa (Algeria and Egypt) have now adopted this method of peace propaganda. These societies have not only taken a foothold in every continent and in all of the world's leading countries, but they have become very numerous, and those of the United States, Great Britain and France have a large membership. Their prime function is the promotion of the educational campaign in behalf of peace by means of the dissemination of the written and the spoken word. In addition to their annual reports, bulletins, leaflets, etc., a half dozen of them publish regular

monthly magazines or newspapers. In several countries there have been organized National Peace Congresses, eight of which have been held in Great Britain (since 1904), eight in France (since 1905) and three in the United States (in New York, in 1907; in Chicago, in 1909; in Baltimore, in 1911). Under the auspices of these societies large numbers of public meetings have been held and have carried their appeal for peace to audiences of every possible description, and they have done their utmost to influence governmental action along diplomatic lines.

So numerous have the peace societies become in France, Great Britain and the United States, and so apparent has become the necessity for a union between them for the purpose of preventing wasteful duplication of effort and expense, that national peace councils have been established in these countries for the accomplishment of this and other purposes. France led the way in this development by organizing in 1902 the *Délégation Permanente des Sociétés Françaises de la Paix*; Great Britain followed in 1905 with the National Peace Council; and in the United States the essential functions of a national council have been assumed by the directors of the American Peace Society. The functions of the national councils include, besides the prevention of duplication of effort and expense on the part of the constituent societies, the organization of the National Peace Congresses and the execution of their decrees, the initiation of joint appeals to governments and people, the creation of new societies where these are needed and co-operation with the peace forces in other countries.

This nationalization of the peace forces has followed



tardily upon their internationalization, but now that it is well started it finds a fruitful field of endeavor and should secure large results.

In a brief survey like the present, a description of all, even of the most noteworthy, of the national societies is impossible; but as illustrative of the American instrumentalities of the new Peace Movement, a few of these societies should be mentioned. The American Society for the Judicial Settlement of International Disputes was organized by Theodore Marburg of Baltimore and his associates in 1910, with the specific object of procuring the establishment of a genuine international court of justice, and of assuring the peaceful adjudication by it of all international disputes. It has held two notable conferences and has published the proceedings of these meetings, which form a series of monographs expository of some of the chief problems which must be solved in the prosecution of its great task.

The oldest of the American societies is the American Peace Society, which, through the federation of older local societies, was founded in New York in 1828, but during most of its active years has had its headquarters in Boston. It marked its eighty-second year by removing its headquarters to Washington, electing Honorable Theodore E. Burton its president. It has organized three departments in the Central West, on the Pacific Coast and in New England, and is greatly increasing its individual membership and the number of its constituent societies. These constituent societies now number more than twenty, and the creation of others will be carried forward until each of the forty-eight states of the Union will have at least one society devoted to the promotion of peace.

The reorganization of the central society has been so thorough as to make it almost a new agency. Some of the constituent societies are notably strong and active. The New York Peace Society has published and distributed an enormous quantity of excellent peace literature and has held many noteworthy meetings. The Pennsylvania Arbitration and Peace Society is now engaged in spreading the peace message throughout the state by means of the Pennsylvania Chautauqua, and in organizing local branches of the society in more than twoscore centers of the state's population. The new Chicago society has given the West for the first time a really strong peace center; and the four state societies founded in New England during the past year completely cover that important section. The American Peace Society itself conducts on a national scale many of the operations in which its constituent societies engage within their states. It issues many pamphlets, maintains a lecture bureau and organizes the National Peace Congresses; and its able organ, the *Advocate of Peace*, is widely circulated. The indefatigable labors of its general secretary, Dr. Benjamin F. Trueblood, the "Grand Old Man of the Peace Movement in America," are to be devoted more largely in the future to the editorial and correspondence activities of the society; and a new executive director, Arthur Deerin Call, formerly president of the Connecticut Peace Society, has been appointed expressly for the task of promoting the society's work of organization. These important changes constitute a veritable rebirth of our historic old Peace Society.

The American School Peace League, founded in 1908, with Mrs. Fannie Fern Andrews of Boston as its

enthusiastic and efficient secretary and administrator, has entered vigorously upon the cultivation of the fertile soil of the public-school system. The object of the league is to band the teachers together in a co-operative effort to inform themselves on the progress of the Peace Movement and to devise the best methods of teaching the young idea, not to shoot, but to solve national and international problems by just and peaceful means. The national character of the league is shown by the fact that its branches organized within the various states already number more than forty. The activities of these branches vary in different places, but they are all directed to equipping the teacher in every possible way to become the pre-eminently successful apostle of peace which it lies within the teacher's province and opportunity to become. Once a year, in connection with the annual meeting of the National Education Association, which is attended by thousands of teachers from every part of the country, the league, which has been heartily indorsed by the association, holds its national meeting to consider past progress and future plans. Just at present the problem of international co-operation between the teachers of the world is of prime importance, and the league's secretary has visited seven countries of Europe and laid the basis for school leagues in all of them. It now becomes the duty of the international committee to work out the plans of an adequate world organization of teachers in behalf of the teaching of peace. The names of the league's special committees — on the teaching of history, on publications and the press, on meetings and discussion — reflect the scope of its work and the unique and most promising field of endeavor which opens before it.

The American School Peace League has been indorsed and partially financed by the World Peace Foundation, which is a potent ally of every instrumentality making for international peace. This remarkable organization has the unique distinction of having been the first to receive a million-dollar endowment. Its founder, Edwin Ginn of Boston, began a dozen years ago to ask the question, Why hundreds of millions for war, but not one million for peace? He then offered to be one of ten to give a million for peace; and as the other nine did not appear, he decided to set the example by giving a million himself. He established what he called the International School of Peace, which took up the specific work of carrying an educational campaign for peace into the schools and colleges, the press and the pulpit, business men's organizations and women's clubs. The first need which it recognized was that of suitable peace literature, and it began to supply this need by the publication of books and pamphlets which should form a library including the best writings on peace in recent or earlier times. It distributed large numbers of its volumes and many thousand copies of each of its pamphlets; it co-operated with the American School Peace League; it sent an organizer into the women's clubs of America, and another among the students of Germany; it aided the Association of Cosmopolitan Clubs; it enlisted eloquent clergymen, British and American, to help bring the Christian Church into line with the peace principles of its founder; and it brought about through the Boston Chamber of Commerce the meeting of the International Congress of Chambers of Commerce in Boston in September, 1912, the greatest and most memorable service

of this organization so powerful in the promotion of international friendship and co-operation in the realm of commerce and finance. The International School of Peace, so auspiciously started, developed in 1910 into the World Peace Foundation, with strong boards of trustees and directors, Edwin D. Mead, who had been associated with Mr. Ginn in his work from the beginning, being the managing director. President David Starr Jordan of Leland Stanford University, one of the directors of the foundation, addressed more than a hundred audiences in behalf of peace during the past year, many of them on the Pacific coast, where racial antipathy to the Chinese and Japanese creates special and imperative needs for enlightenment. Dr. Jordan and Hamilton Holt of the *Independent*, another director of the foundation, made tours in Japan in 1911, delivered a large number of addresses in both countries and thus added a strong link to the chain of friendship which alone can guard the two great powers facing the Pacific from falling into that abyss of misunderstanding and warfare into which the jingoes and false patriots of both countries make their chronic attempts to thrust them. Mr. and Mrs. Mead have done much similar work in Europe, engaged in fruitful missions to the centers of peace propagandism, doing international work in an international way and promoting closer and more active co-operation among the European and American workers.

Mr. Ginn's munificent example in endowing the World Peace Foundation was followed at the end of 1910 by Andrew Carnegie, who gave the princely sum of ten million dollars to the Carnegie Endowment for

International Peace. In his letter addressed to the board of trustees, which accompanied his gift, Mr. Carnegie expressed the desire that the revenue of the fund be administered "to hasten the abolition of international war, the foulest blot upon our civilization." The trustees of the fund, headed by Senator Elihu Root, and including some of America's ablest and most distinguished citizens, have proceeded deliberately in the development of their plans for the use of this great sum in the accomplishment of the momentous task imposed upon them. They have begun by dividing their work into three departments — the international law, the historico-economic and the educational. The first department, under the supervision of the secretary of the endowment, Dr. James Brown Scott, is to devote itself to the development, codification and supremacy of international law, with a view to insure an invariable resort to legal instead of forcible means of settling international disputes. The second department, under the direction of Professor John B. Clark, is to devote itself to a world-wide research into the causes and results of warfare and preparations for it; and it has already held a noteworthy preliminary conference at Berne in August, 1911, in which a score of the world's leading economists, representing eleven nations, participated. The third department, presided over by President Nicholas Murray Butler of Columbia University, is to devote itself to a world-wide campaign of education and international intercourse, which shall bring home to the minds of the peoples the truth about war and peace, and establish among them good understanding and good will. This department organized and financed the Citizens' National Committee, which did

such great educational work during the winter of 1911-1912 in behalf of the general arbitration treaties with Great Britain and France; and it has already begun to strengthen, by closer organization and by financial assistance, the nationalization and internationalization of the Peace Movement.

With the growing multiplicity and importance of the instrumentalities of peace which have been outlined in this brief review, there has arisen a growing need for mutual conference between the leaders of the movement in every land. This need has been recognized in the United States by Albert K. Smiley, who organized eighteen years ago the far-famed Lake Mohonk Conference on International Arbitration. The prime object of this conference has been from its inception the promotion of international arbitration; and, by means of its discussions, the wide distribution of its proceedings, its co-operation with two hundred business men's associations and many colleges, it has wielded a potent influence upon the progress of that cause during the years of its existence. Three or four hundred guests have enjoyed the bountiful hospitality of its founder year after year, have received fresh inspiration, enlightenment and resolution from their mutual conference, and have returned from their stimulating mountain sojourn to renewed efforts to make peace prevail in the valleys of international intercourse. In recent years Mr. Smiley has made special efforts to secure the presence of more and more peace workers from abroad, and the conference has become increasingly an international clearing house for the leaders of the Peace Movement in every land. Profoundly grateful for this unique opportunity for the advancement of their cause, and to

the genial seer who has created it, the departing guests must often exclaim in their hearts, "How beautiful upon the mountains are the feet of him that bringeth good tidings, that publisheth peace, that bringeth good tidings of good, that publisheth salvation, that saith unto Zion, Thy God reigneth!"



## XVI

### THE LATEST LITERATURE OF THE PEACE MOVEMENT

“The pen is mightier than the sword.” This old adage, so familiar as to be wholly trite but only half believed by the generality of mankind, is taking on new significance in the light of the twentieth century. In view of the noteworthy peace literature which the pen has recently produced, and of the legislative and judicial developments in international law which have characterized this century and gone far toward beating the national sword into the international scales of justice, the old adage, like many another in the realms of politics, religion and industry, is growing daily more and more to be the genuine realization of a beautiful dream.

The volume of the literature which is illuminating the many-sided question of peace and war is as noteworthy as are the varied points of view which its authors are taking, and the original and striking contributions which they are making to the study of the question. It would be impossible within narrow limits to review all of even the latest and most noteworthy of these contributions, and here the attempt will be made to deal with a comparatively few of those which may be regarded as representative of their respective classes.

Edwin D. Mead prepared, a few years ago (1909), an impressive review of the most noteworthy utterances on

peace and war which had been made accessible to readers of English during the preceding century.<sup>1</sup> This review included a reference to thirty-eight books or pamphlets, or an average of about three for each year, and a number of these were modern reprints of seventeenth- and eighteenth-century masterpieces. A review of the books of the last five years could justifiably include at least the same number, thirty-eight; for although the later list could claim no such celebrated authors as Penn, Franklin and Kant, it would include a far more comprehensive and, for our time, more practicable and constructive treatment of the great subject.

Turning first to the books which have attacked directly the hoary forces of warfare by considering the arguments for and against war as the arbiter of international disputes, we find that they have examined the question from the biological, political, mechanical, industrial, commercial and ethical points of view. J. Novicow's little book on "War and its Alleged Benefits"<sup>2</sup> subjects to the tests of reason and experience the alleged benefits of warfare and of the preparations for it. Mr. Novicow, whose recent death is so deeply mourned, was vice president of the International Institute of Sociology, and he considers the arguments in behalf of warfare from the broadly sociological viewpoint; in terse, effective sentences he states warfare's supposititious and true results — physiological,

<sup>1</sup> "The Literature of the Peace Movement," first published in the *Chautauquan*, and afterwards in pamphlet form by the World Peace Foundation, Boston. Mr. Mead's pamphlet should be read in connection with this chapter, because it brings the record down to the works devoted to the two Hague Conferences.

<sup>2</sup> Translated into English by Thomas Seltzer, New York, 1911.

economic, political, intellectual and moral. The sad history of Europe is the arsenal from which he draws the weapons forged by experience, and with their help he shows that war has deprived nations of their most virile citizens, caused vast loss of treasure to both victor and vanquished, prevented national unity and international amity, promoted intellectual stagnation and moral degradation, preserved the chief characteristics of barbarism and acted as the weightiest drag upon the progress of civilization.

The purely biological or physiological and anatomical results of warfare have been dealt with by President David Starr Jordan in his "Blood of the Nation"<sup>1</sup> and "The Human Harvest."<sup>2</sup> In these two brief treatises he has re-enforced the conclusions of his long and distinguished biological researches by a wealth of historical detail, and has presented an impressive picture of the results of the millstone of warfare as hung around the neck of national eugenics. Horace Everett Warner's "Ethics of Force"<sup>3</sup> throws the light of the evolutionary philosophy upon the false prejudices and mischievous delusions which have caused rival peoples to be "natural enemies." A soldier in our Civil War, and a practicing lawyer of many years' standing, Mr. Warner writes from personal experience as well as from his prolonged study of evolution, as to the relative merits of force and law as "settlers" of men's disputes. Professor Vernon L. Kellogg in his "Beyond War,"<sup>4</sup> has made an

<sup>1</sup> Published 1902. This has been issued in pamphlet form by the World Peace Foundation.

<sup>2</sup> Published 1907 by the American Unitarian Association, Boston.

<sup>3</sup> Published 1905 by the World Peace Foundation.

<sup>4</sup> New York, 1912.

even more detailed application of biological studies to the question of the continuance of human warfare. Believing that the vast prehistoric periods of man's life are more informing, as to this question, than the comparatively short span of his recorded history, Professor Kellogg writes, with a wealth of suggestive illustrations taken from a wide range of natural phenomena, of the evolution of warfare in the hands of man as distinguished from the rest of the animal creation, of man in the great ice age, of man in postglacial times and of man in history; and he concludes that *Homo superioris*, or Man of To-morrow, having continued the ages-long specialization which has developed the already striking degree of interdependence, will thoroughly understand how racially dangerous is war, how it flies in the face of all that makes for human evolutionary advance and how completely it is without shadow of serious scientific reason for its maintenance. *Homo sapiens*, or Man of To-day, knows that war is already an anachronism and an absolutely impossible part of his evolutionary goal; and *Homo superioris* will marvel at the stupidity of his ancestor for tolerating its existence so long, and will himself be, whatever else he may be, beyond war.

The political aspects of warfare have not yet been adequately treated, for the glamour of the past has blinded most students of political history and has led them as well as the mass of people into the great illusion that warfare has been always and everywhere the cause of national independence, of national union and of political development. The extranational, or imperial, aspect of the question has received some careful attention, however, and three recent books have dealt with it more

or less successfully. One of the last messages of the late eloquent scholar and seer, Dr. Goldwin Smith, was a solemn warning to our republic<sup>1</sup> of the perils of plutocracy, militarism and imperialism which confronted it on the threshold of the new century. John A. Hobson's "Imperialism"<sup>2</sup> and John William Graham's "Evolution and Empire"<sup>3</sup> also point out the perils of imperialism, both to the preservation of the world's peace and to the prosperity of the imperialistic nation. It is noteworthy that the authors of these three books are Englishmen; for their warnings are backed by a century of checkered experience in militarism on the part of their native land, and are obviously pointed by the present very uncertain if not downright precarious position of the British Empire in international affairs. Our own republic, so young in world politics, may well read and ponder the truth as to Great Britain's experiment in empire building — the greatest and one of the longest experiments of its kind which history records.

Jean de Bloch ran the gamut of personal experience from peddler to prince of finance, from pawnbroker to railroad magnate, from ostracized Polish Jew to counselor of the Russian Empire, from ignorance and pauperism to literary fame and far-reaching philanthropy. This remarkable experience in the world of affairs and the world of learning enabled him to write a truly remarkable book, which bases a searching study of military technique upon a first-hand and responsible study of Europe's agricultural, financial, industrial and general social conditions. It is entitled "The Future of War, in

<sup>1</sup> "Commonwealth or Empire," New York, 1902.

<sup>2</sup> London, 1905.

<sup>3</sup> London, 1912.

its Technical, Economic and Political Relations," and was published in Russian, in six volumes, the year before the meeting of the First Hague Conference. French and German editions of the entire work were soon published; and the last volume, containing a summary of the author's reasoning and conclusions, has been made accessible to the English-reading public by the World Peace Foundation of Boston. Bloch's main contention is that war has become dehumanized by the evolution and domination of mechanical and chemical agents. Like Frankenstein, the soldier has called into existence mechanical monsters which have devoured his own personality and made useless his personal courage, skill and endurance. Within less than a generation the needle gun, the breech-loading cannon, smokeless powder, rifles perfected fortyfold, have so developed the mechanism of slaughter that the soldier has disappeared with the gleam of his vanished sword and the smoke of his old-time powder. The old-time army moved upon its belly; but the modern armament has a maw that can never be filled, and its bare subsistence — which is constantly on the verge of extinction, that is, of obsolescence and absolute inefficiency, despite the billions which are expended upon it — is maintained only by draining the lifeblood of industry. Should two great powers of Europe, equipped with such armaments, go to war with each other, they would illustrate the condition of an irresistible force meeting an immovable obstacle, and would fight each other to a standstill. Meantime, to keep their fighting machines "on a war footing," each nation would face the danger of a famine in foodstuffs, the probability of political or social revolution, and the certainty of industrial, commercial and

financial paralysis. In the light of such consequences, so reasoned, it is inevitable that the author and readers of "The Future of War" should conclude that war must have no future.

The industrial and social needs of the nations, even in this twentieth century, and in a time of profound peace, are the theme of Miss Jane Addams' convincing book on the "Newer Ideals of Peace."<sup>1</sup> To those who appreciate the full significance of the feverish efforts of present-day diplomacy to form "alliances," the frantic competition in the building of dreadnoughts, and the omnipresent anxiety lest a "potential enemy" should become an actual one, the so-called peace of the world to-day partakes of the most burdensome features of an armed truce. The militarism which claims to preserve this kind of a peace is none the less militarism and of a most expensive kind. How much it costs in terms of industrial discontent and warfare, and of lost opportunities to uplift the condition of rural laborers, of factory women, and of children in city streets, is burnt in upon the minds and hearts of the readers of Miss Addams' book.

One of the beliefs hoary with antiquity and still cherished by the modern world is that victory and conquest in warfare infallibly restore the balance on the right side of the ledger; that the vast expenses of preparation for warfare and of warfare itself can be more than reimbursed by conquest. To the victor belong the spoils, woe to the conquered: such is the familiar expression of this optimistic philosophy. To deny the truth of this belief, and to support the denial with indubitable facts and figures; such is the great task

<sup>1</sup> New York, 1907.

which Norman Angell has accomplished in his incisive and powerful book, "The Great Illusion."<sup>1</sup> As a student of human nature the author believes that to prove that warfare, even "successful" warfare, *does not pay*, is to assure its being relegated to innocuous desuetude by the shopkeeping nations of this workaday modern world. It is related that an average Chinaman could not understand why any one should play tennis who had money enough to hire a coolie to do it for him. Now the "powers that be" which declare war on each other have long since given up the illusion that personal indulgence in warfare is attractive to them for its own sake, and that even sending other people out as food for powder is a game which cannot be justified as an end in itself. The chief justification which is left, then, is the winnings, or the spoils. Fancy how a burglar would feel to have it proved to him that the money which he steals is not worth the candles that he burns. Just so does Mr. Angell knock the legs from under "the great illusion" that conquest is "a paying proposition." To the opponents of warfare it seems too good to be true that, owing to the complex and vital interdependence of the national realms of industry and finance, even the victor must play a losing part in warfare; and doubtless the world at large will be some time in learning this lesson, as it has been in learning the lesson that "playing the races" and buying lottery tickets do not pay. The militarists, of course, can only be convinced against their will, but they need not be counted. Meanwhile

<sup>1</sup> "The Great Illusion: a Study of the Relation of Military Power in Nations to their Economic and Social Advantage," third revised and enlarged edition, New York, 1911.



Mr. Angell has written a book of four hundred pages, every one of which is filled with argument, fact or figures, enforcing the lesson in such way that he who runs may read, and he who reads must relinquish this, one of his most cherished illusions.

It was long since a maxim of soldiers that, to save one's own country, war must be carried into the enemy's territory. But suppose that in that territory—as between England and Germany, for example—live your own best customers, the creditors of many of your own fellow borrowers, the debtors of many of your own fellow creditors, people who have invested millions in your own industries, people who are doing their utmost to make their industries pay dividends on the millions invested in them by your own fellow capitalists? Would not "conquering" them be like killing the goose that lays you a golden egg, provided that the laws of civilized warfare, as agreed upon at The Hague, permit you to kill the goose, or even to pluck out one of its feathers, without adequate compensation? Why should a German army loot the Bank of England if by so doing Germany's industrial system were to be paralyzed, and the owners of stocks and bonds in industries upon which the sun never sets were to see their wealth vanish with the Old Lady of Threadneedle Street? If ability to "conquer" one's neighbors means potential wealth, why are German three per cents at 82 and Belgian at 96, Russian three and a half per cents at 81 and Norwegian at 102? These are questions the answers to which take you into the heart of the great illusion. Would you have them answered acutely, cogently, overwhelmingly, and free your own mind and your neighbors' of this

illusion? Then read and ponder Norman Angell's book.

A powerful supplement to Mr. Angell's book is President David Starr Jordan's "Unseen Empire,"<sup>1</sup> which portrays the dominion of the unseen empire of international finance to which the nations are in bondage because of war and of preparations for it. In graphic and cogent sentences, and with a wealth of statistical information and apposite quotations from the masters of high finance and statecraft, Dr. Jordan shows the folly of permitting preparations for warfare to consume the fruits of peaceful progress.

No great crusade in the world's history has ever been successful unless it had the leadership or co-operation of morality and religion. The new Peace Movement has called to its aid, as has been seen, the forces of biology, politics, mechanics, industry, social conditions, commerce and finance; but it has by no means relinquished its first and always faithful allies of morality and religion. Reverend Walter Walsh, having witnessed the moral damage wrought by the Boer War to every class of England's people, wrote a book entitled "The Moral Damage of War,"<sup>2</sup> and marshaled in it, in eloquent and effective array, the burning denunciations which morality and religion hurl at warfare, and the sweet reasonableness which they supply to peace. The late lamented William James, one of the world's foremost modern philosophers, wrote just before his death an illuminating article on "The Moral Equivalent of War";<sup>3</sup> this points out the

<sup>1</sup> Boston, 1912.

<sup>2</sup> Published by the World Peace Foundation, Boston, 1906.

<sup>3</sup> In *McClure's Magazine*, August, 1910; reprinted in the *Popular Science Monthly*, October, 1910, and in pamphlet form by the American Association for International Conciliation.

battlefields which, more truly than those of war have ever been, are the prolific source of manly virtues. In concrete illustration of Professor James' theory, Edwin D. Mead's "The Principles of the Founders"<sup>1</sup> brings home to the hearts of patriotic Americans the victories of peace which have made Washington, Jefferson, Franklin and Samuel Adams more renowned than have those which the first of these founders won in war.

Rome did not fall in a day, and it took seven days of marching round the walls to cause Jericho to fall. It is not enough to prove the thoroughgoing iniquity of war, to have it banished from the earth; its immediate causes or occasions must be sought and eradicated, and judicial substitutes for it must be established.

Noting first the immediate causes or occasions of warfare, it is obvious that there are still certain centers of the world's unrest which give excuse to predatory nations for committing what Mr. Gladstone has called the original sin of territorial aggrandizement. The Balkans, the Middle and Farther Orient, Africa and Latin America contain such centers. Some recent books deal with them in notable manner, though not so much as is desirable with their relation to the world's peace. H. Charles Woods, in "The Danger Zone of Europe,"<sup>2</sup> states most instructively the achievements and failures of the Young Turks, whom the world is looking to, under their new constitutional government which was hailed with such wonder and gratification, to remedy many domestic and international ills; and he shows that, despite the admirable reforms which have already been accomplished, the

<sup>1</sup> Boston, 1903. See also Mr. Mead's inspiring pamphlet, "Heroes of Peace," published by the World Peace Foundation. <sup>2</sup> Boston, 1911.

new civil government is still imperiled by the danger of militarism. The rest of the Balkan states receive more summary yet enlightening treatment at his hands.

The strongest book of recent days on the Middle East is W. Morgan Shuster's "The Strangling of Persia."<sup>1</sup> The author of this book, an American summoned to the office of treasurer general for the purpose of giving order to Persia's financial chaos, and indirectly of promoting its political stability and the development of its great national resources, gives a detailed personal narrative of his efforts, and of the way in which Russo-British "diplomacy" and domestic treachery caused them to fail. His story of the way in which "Russia's interests" and "British trade" caused Persia's elementary rights of sovereignty to be trampled upon, and its hope of self-regeneration to fail, is very significant of the work yet to be accomplished at The Hague in the direction of the conservation of national sovereignty and the preservation of international peace.

The Farther Orient, especially China, which has amazed the nations by suddenly establishing a republic, is the object of prime solicitude to the great powers of both hemispheres. Professor George T. Ladd's "In Korea with Marquis Ito"<sup>2</sup> goes a long way toward reassuring the world as to Japan's action in relation to Korea, which he pictures as a moral swamp now being drained for rich harvests in the future, for humanity at large, by Japan's good government, by rational education, and by Christianity. Messrs. Bland and Backhouse have afforded, in their "China under the Empress Dowager,"<sup>3</sup> an extraordinarily interesting, and at the same

<sup>1</sup> New York, 1912.    <sup>2</sup> New York, 1908.    <sup>3</sup> Philadelphia, 1911.

time documentary and official, revelation of the reasons for China's backwardness and vagaries (including the Boxer revolt) under the rule of its recent despots Tzu Hsi and her forty years' favorite, Li Lien-ying. Professor Edward A. Ross has applied his sociological principles to the study of Chinese social life, and in his admirable book, "The Changing Chinese,"<sup>1</sup> portrays the conflict of oriental and western cultures in China which is now revolutionizing the isolation, the acute struggle for existence, the ancestor worship, the patriarchal authority, the subjection of women and the political conditions, which have made the Chinese apparently a peculiar and antipathetic people, and which changes will cause them to be no longer falsely regarded as "the Yellow Peril." Professor Paul S. Reinsch has contributed another illuminating treatise, entitled "Intellectual and Political Currents in the Far East,"<sup>2</sup> which reviews conditions of promise and peril in India, China and Japan; he traces especially the developments of Chinese society from a custom status to one of political government, but fears that the republic is premature. Joseph K. Goodrich, a merchant of long experience in the Orient, and formerly a professor in the Imperial Government College of Japan, states in his book on "The Coming China"<sup>3</sup> some of the facts of recent history which explain why the Chinese are possessed by a distrust of Europeans; and he condemns in bitter terms the opium traffic and its promoters who have done so much to embitter the Chinese toward the Occident. Unfortunately, Mr. Goodrich's praise of China is mingled with slighting references to Japan, which the addresses and articles of Hamilton Holt,

<sup>1</sup> New York, 1911.    <sup>2</sup> Boston, 1911.    <sup>3</sup> Chicago, 1911.

President Jordan and President Eliot have proved to be wholly undeserved.

Africa remains "the Dark Continent" and still awaits a book which will throw light upon its vital relation to the problem of the world's permanent peace; but such books as that of John A. Hobson upon the war in South Africa illuminate the iniquities by which selfish and inhuman warfare is sedulously worked up.

Latin America's marvelous excellences and possibilities are being gradually revealed to the rest of the world by the Pan-American Bureau, whose head, Honorable John Barrett, has written a book, "The Pan-American Union,"<sup>1</sup> which should do much to dispel the prevalent ignorance of our countrymen regarding the Latin American republics, and help to relieve our fears as to the maintenance, by the Latin Americans themselves, of the Monroe doctrine.

Turning next to arbitration and other peaceful substitutes for warfare, it is admitted that one of the far-reaching results of the Hague Conferences has been the remarkable impulse which they gave to the substitution of arbitration for warfare in the settlement of international disputes. This phase of the new Peace Movement has also produced some noteworthy books. Jackson H. Ralston, who was American agent and of counsel in the first case decided by the Hague tribunal, has written a pioneer and eminently useful treatise on the subject of "International Arbitral Law and Procedure."<sup>2</sup> In it have been collected a century's precedents which were scattered in virtually inaccessible digests and reports of arbitral tribunals; and upon these as a basis are given

<sup>1</sup> Baltimore, 1911.

<sup>2</sup> Boston, 1909; published by the World Peace Foundation.

the definitions and rules for the interpretation of treaties, and an account of the various steps taken by commissions and tribunals of arbitration, such as procedure, evidence, the treatment of claims, damages, the rights and privileges of aliens, government liabilities, maritime and prize law. Together with these precedents are cited also the opinions of eminent writers on various phases of the questions adjudicated by arbitral tribunals; and it is gratifying to know that in some cases — such as the vitally important right of a state to agree to submit all claims to arbitration, despite a clause to the contrary in contracts between subjects — the actual decisions of tribunals are in advance of the position taken by publicists. Should Article XLII of the Hague Convention of 1907 be repealed, and all cases of arbitration be submitted to the Hague tribunal alone, or if the proposed Court of Arbitral Justice be established, these arbitral decisions and modes of procedure will assume the force of *stare decisis* and become genuine precedents, to the vast enrichment of international law.

Another most impressive book on arbitration is the "Fisheries Arbitration Argument"<sup>1</sup> of Senator Elihu Root. The settlement of this century-old controversy between the United States and Great Britain, by the Hague tribunal in 1910, is one of the illustrious events of the last decade; and Senator Root's able, voluminous, lucid and eloquent argument was admittedly the prime feature of the arbitral proceedings.

"International Arbitration and Procedure"<sup>2</sup> is the title of a small book containing four lectures delivered

<sup>1</sup> Boston, 1912; published by the World Peace Foundation.

<sup>2</sup> New Haven, 1911.

in the Yale Law School by Robert C. Morris, counsel in the Venezuelan arbitration. It gives a sketch of the history of arbitration and discusses some of the grounds of international controversies and nine of the cases arbitrated by the Hague tribunal.

The frequent resort to arbitration on the part of the Latin American republics should be known and appreciated by the rest of the world, which is inclined to think of these republics chiefly as hotbeds of revolution and internecine strife. Gonzalo de Quesada, one of Cuba's delegates to the Second Hague Conference, has written in English a history of "Arbitration in Latin America,"<sup>1</sup> which brings out forcefully the world's debt to the Latin republics and their founder, Bolivar, for the furtherance they have given to the principles and practice of arbitration during the past century. The solid basis and scientific reasonableness of arbitration have been presented with great lucidity and power by Francis W. Hirst in his "The Arbiter in Council."<sup>2</sup> This book is written in the form of a lively dialogue between men of different callings, who, in the course of a week's discussion, manage pretty well to box the compass of arguments for and against arbitration.

The world is advancing so rapidly along the lines of arbitration that it has already developed the basis of a genuine political organization of the Family of Nations. Several recent books show how far the growth of "the United States of the World" has progressed. Our former ambassador to Germany, Dr. David Jayne Hill, presents in his "World Organization as affected by the Nature of the Modern State,"<sup>3</sup> a scholarly and

<sup>1</sup> Rotterdam, 1907.    <sup>2</sup> London and New York, 1905.    <sup>3</sup> New York, 1911.



convincing proof of how the growth of jural consciousness within nations has created a solid foundation for world organization. Raymond L. Bridgman's "World Organization"<sup>1</sup> gives an impressive statement of the judicial, legislative and executive organs, functions and phenomena which the world body politic has already developed. The great lesson which Washington, Madison and their compeers taught Americans a century ago was to think "continentally," as they termed it; that is, no longer as colonists separated from each other and looking always toward the mother country, but as states which had achieved their independence but still must recognize their interdependence on each other and unite for their mutual peace and prosperity in a close national union. The great lesson which the nations of our day are slowly learning, is that assured peace and the highest prosperity can be attained by each nation only when, joined with national sovereignty and independence, there is a world polity sufficiently strong and developed to define and administer genuine international law. In no other book can so vivid and detailed an idea of the present status of this world organization be secured as in Mr. Bridgman's. The same author has recently produced also "The First Book of World Law,"<sup>2</sup> which summarizes and interprets the positive regulatory law which has sprung from the Hague Conferences, the Red Cross Conventions, the International Postal Union, the modern regulation of navigation, the supervision of wireless telegraphy, the repression of the white and black slave traffic, the International Institute of Agriculture, etc.

<sup>1</sup> Boston, 1905; published by the World Peace Foundation.

<sup>2</sup> Boston, 1910; published by the World Peace Foundation.

President Nicholas Murray Butler has published five of his characteristically incisive and stimulating addresses delivered at the Lake Mohonk Conference on International Arbitration.<sup>1</sup> His plea for an "international mind," as a preparation for the international justice which shall replace national armaments, is illuminated and made irresistible by an appeal to the facts of recent experience and the logic of common sense.

M. E. Duplessix's "La Loi des nations,"<sup>2</sup> and Umano's [an anonymous writer] "Essai de constitution internationale,"<sup>3</sup> project the principles of past development into the future, and present in very suggestive fashion a complete system of jurisprudence for the new world organization, having due regard to the constitutions, duties and rights of the various states and their citizens. Both authors have made a World Parliament the heart of their system, Duplessix giving it representation proportional to population, and Umano representation proportional to population, industry and wealth. The chief function of the world's executive, according to these authors, will be the reduction and transformation of the existing national armaments into an international police force—the idea accentuated by Edwin Ginn and Andrew Carnegie, and forming the basis of the resolution on the reduction of armaments recently adopted by Congress. This international police force will be, however, no mere combination of national armaments enforcing national will and interests, as was the case with the intervention on the part of a few powers in China in 1900, but a genuine international police force

<sup>1</sup> "The International Mind," New York, 1912.

<sup>2</sup> Paris, 1906.

<sup>3</sup> Paris, 1907.

directed by the world judiciary yet still conserving the interests of every member of the Family of Nations.

Turning from the possible future back to the actual present, the reader of Professor Reinsch's "Public International Unions"<sup>1</sup> cannot fail to be amazed by the number, importance and far-reaching scope of the industrial, philanthropic and scientific unions which have been entered into by all the nations for their common interests. It is evident from every page of this inspiring book how greatly the economic, philanthropic and scientific internationalism, which has already grown so powerful, is promoting political internationalism and the other factors of the new Peace Movement.

As rapidly and surely as new kinds of armor and projectiles and aërial navigation have made obsolete the armaments of only a few years ago, so rapidly and surely have the Hague Conferences and their results made obsolete most of the treatises on international law. A striking illustration of this fact is seen in the difference of viewpoint and treatment in the first edition of Professor Lawrence's "Principles of International Law," published in 1895, and the fourth edition, published in 1910. The change which has come over the spirit of this distinguished scholar's treatment of arbitration and many other topics in the law of peace, war and neutrality is reflected also in Norman Bentwich's "The Law of Private Property in War"<sup>2</sup> and L. A. Atherley-Jones' "Commerce in War."<sup>3</sup> The former is a popular treatise, rich in the citation of American decisions on the legal status of the private property of both neutrals

<sup>1</sup> Boston, 1909; published by the World Peace Foundation.

<sup>2</sup> Boston, 1907.

<sup>3</sup> New York, 1907.

and belligerents, and on the great fact emphasized so significantly in the Hague Conferences, namely, the rights and duties of neutrals. The latter treatise is a mine of information and citations on neutral trade, contraband and many similar questions which are being at last definitely and rationally answered, and thus ceasing to be a prolific cause of warfare or of its menace.

One especially significant book originating from the work of the Hague Conferences is Sir Thomas Barclay's "Problems of International Practice and Diplomacy,"<sup>1</sup> which contains an admirable discussion of many of the problems which arose in and out of the Conferences, and a masterful discussion of the whole subject of arbitration. The history, results and further possible application of the principle of neutralization, which has done so much to preserve the world's peace, and which is capable of much further and most beneficent extension, are briefly and suggestively presented in Cyrus French Wicker's little book on "Neutralization."<sup>2</sup>

Having thus summarily reviewed some of the noteworthy books which are devoted to one or another aspect of the many-sided Peace Movement of our time, brief reference should be made to two or three which give a general idea of the movement as a whole. No book does this more vividly, more authoritatively or more optimistically than the "Memoirs of Bertha von Suttner."<sup>3</sup> Baroness von Suttner's long and indefatigable labors in behalf of peace have been carried on by pen and voice through Europe and America, and they have been

<sup>1</sup> Boston, 1908.

<sup>2</sup> London, 1911.

<sup>3</sup> Boston, 1910; authorized translation from the German by Nathan Haskell Dole.

fittingly recognized by the award of the Nobel Prize; her memoirs thus reveal the origin, motives and achievements of much that constitutes the modern Peace Movement, and they reveal at the same time the appealing personality of one of the greatest women of our time. "The Life and Work of Sir Randal Cremer,"<sup>1</sup> by his long-time associate Howard Evans, is another record of a remarkable life devoted to the promotion of industrial and international peace, and especially to the foundation of the Interparliamentary Union and the promotion of arbitration between Great Britain and the United States. Starting life as a poor and ignorant apprentice, Cremer's single-hearted devotion to the cause of peace was recognized by signal honors, including those of membership in Parliament, knighthood and the Nobel Prize; and the strength of his ruling passion was shown when, though old and poor, he turned over the \$40,000 of the Nobel Prize to the furtherance of the cause of peace. A much smaller though very comprehensive popular view of the Peace Movement as a whole is Mrs. Lucia Ames Mead's "Patriotism and the New Internationalism."<sup>2</sup> This incisive product of Mrs. Mead's long and keen study of the varied aspects of international peace is especially designed for the information and inspiration of teachers who desire to celebrate in fitting manner on May 18 the substance and the promise of the Peace Movement as centered in the Hague Conferences. Another small but valuable book which presents the Peace Movement from several sides in an informing and practically suggestive manner is Reverend Frederick Lynch's "The Peace

<sup>1</sup> Boston, 1910; published by the World Peace Foundation.

<sup>2</sup> Published in pamphlet form by the World Peace Foundation, 1906.

Problem.”<sup>1</sup> The thoughtful and earnest work on “War or Peace,”<sup>2</sup> by General H. M. Chittenden, would command attention if simply as the work of a military man; but, although we think it unnecessarily anxious and conservative in some sections, it commands attention more for its positive merits, its clear and resolute arraignment of the evils of militarism and the war system, and its true perception of the right and rational course to better things.

It is natural that a cause which is taking so powerful a hold upon the imaginations of men as the cause of international peace and justice is doing, should find its place in fiction. Baroness von Suttner’s “Lay down your Arms,”<sup>3</sup> — which has been called the “Uncle Tom’s Cabin of the Peace Movement,” — Leo Tolstoy’s “War and Peace,” Israel Zangwill’s “The War God,”<sup>4</sup> and Will Levington Comfort’s “Routledge rides Alone,”<sup>5</sup> are perhaps the best-known examples of this kind of peace literature. These books confine themselves, however, as do most of the poems on peace, to emphasizing the horrors of warfare; Tennyson almost alone, and he in a bare handful of golden words, has made the æsthetic appeal to human emotions from the point of view of the “Parliament of man, the Federation of the world.”

A movement of world-wide volume, importance and rapid growth, like that of international peace, is in dire need of such agencies of information and instruction as are represented by reference books, pamphlets, leaflets, periodicals and newspapers. The Peace Movement is as yet only partially supplied with these.

<sup>1</sup> New York, 1911.

<sup>2</sup> Chicago, 1911.

<sup>3</sup> London and New York, 1894; translated and published in numerous editions.

<sup>4</sup> New York, 1912.

<sup>5</sup> Philadelphia, 1910.

"The Peace Year-book,"<sup>1</sup> the "Annuaire de la vie internationale,"<sup>2</sup> "Der Weg zum Weltfrieden,"<sup>3</sup> and the "Handbuch der Friedensbewegung,"<sup>3</sup> are the chief reference books published at present which are devoted exclusively to peace. These may be usefully supplemented by more general reference books, such as the "New International Year-book," the "Statesman's Year-book" and the "American Year-book."

The invaluable series of pamphlets and leaflets which are being published by the World Peace Foundation, the American Branch of the Association for International Conciliation, and the American Society for the Judicial Settlement of International Disputes have been referred to elsewhere.<sup>4</sup> The reports of the international and national congresses, the Lake Mohonk Conference, and the increasingly numerous reports, pamphlets, bulletins, etc., of the various national and local peace societies, reflect the scope and vitality of the Peace Movement and contain a large amount of information, guidance and inspiration. All the material mentioned in this paragraph should be far more widely distributed, and an annual digest of it should be prepared in systematic and popular form and placed in the hands of every one who can read.

The periodical publications devoted exclusively to peace are issued, at present, only by the peace societies themselves, and have not yet reached the height of popular and financial success. The *Advocate of Peace*,<sup>5</sup>

<sup>1</sup> Published by the National Peace Council, London.

<sup>2</sup> Published by the Office central des Institutions internationales, Brussels.

<sup>3</sup> Both by Alfred H. Fried of Vienna.

<sup>4</sup> See above, Chapter XV, pp. 165-183.

<sup>5</sup> Published monthly by the American Peace Society, Washington.

the *Herald of Peace*,<sup>1</sup> *Concord*,<sup>2</sup> the *Peace Movement*,<sup>3</sup> are among the best-known publications of this kind in English; and at least twelve similar ones are published in six other languages. The periodicals devoted to international law in general are increasingly useful to the student of the Peace Movement, and among the very best of these is the scholarly and ably edited *American Journal of International Law*.<sup>4</sup> The *American Journal of Political Science*,<sup>5</sup> also, while covering the whole vast field of national and international politics, contains much valuable material of varied kinds for the student of international peace.

It need not be emphasized how potent an influence is exerted upon the popular attitude toward international as toward national policies by the daily and weekly press. The Peace Movement has not yet perhaps procured the adequate daily newspaper champion which shall at each necessary hour launch the pebble of truth against the forehead of falsehood which the Goliath of yellow journalism turns so persistently and so balefully upon even God's chosen peoples of twentieth-century enlightenment; but half a dozen of our ablest American newspapers, and many a humbler sheet, have by their faithful and noble service won for themselves a warm place in the hearts of all lovers of justice and reason. An ounce of truth in regard to the daily recurring "international

<sup>1</sup> Published monthly by the Peace Society, London.

<sup>2</sup> Published monthly by the International Arbitration and Peace Association, London.

<sup>3</sup> Published semimonthly by the International Peace Bureau, Berne.

<sup>4</sup> Published quarterly by the American Society of International Law, Washington.

<sup>5</sup> Published quarterly by the American Society of Political Science, Baltimore.



incident" would prevent many a ton of misinformation and prejudice from causing anxious forebodings and frantic preparations for warfare in the international arena. Among the weekly journals which represent the best leadership toward that national sobriety and self-control which makes for international peace and justice, the *Independent* has rendered and is ever rendering pre-eminent service. Every lover of international peace and justice may devoutly say of these brave and consecrated journalistic helpers, as was said of Abou Ben Adhem, "may their tribe increase!" He may also devoutly hope that a great daily or weekly newspaper, thoroughly representative of the new internationalism, will at no distant time be dedicated exclusively to it; and that such a journal indeed may be established in every one of the world's great centers. Then will the power of the pen be so constantly exerted and so effective that the power of the sword will sink into nothingness before it.

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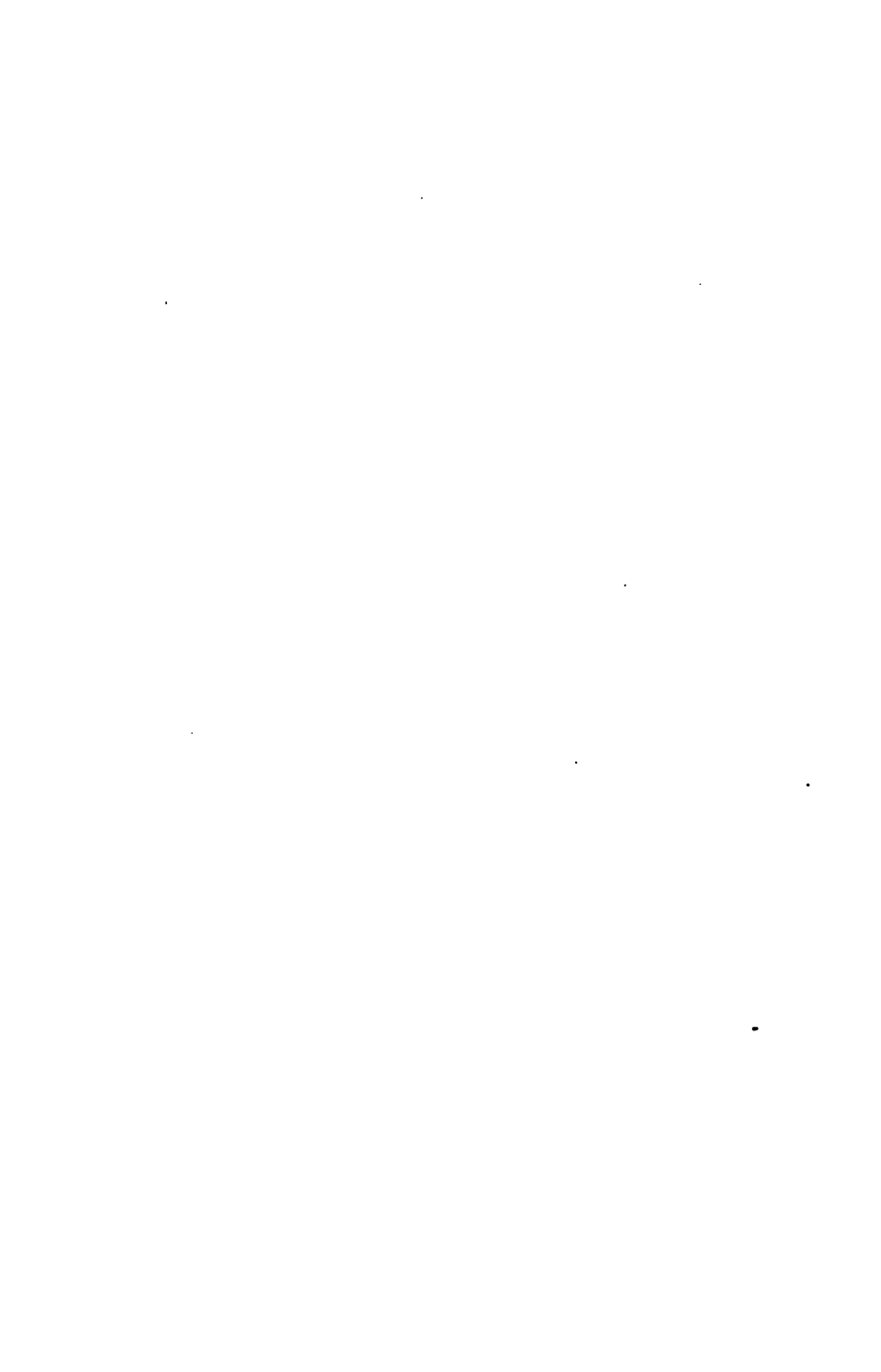
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the 1990s, the number of people in the UK who are employed in the public sector has increased from 10.5 million to 12.5 million, and the number of people in the public sector who are employed in health care has increased from 2.5 million to 3.5 million (Department of Health 2000).

There are a number of reasons for this increase. One of the main reasons is the increasing demand for health care services. The population of the UK is increasing, and the number of people who are aged 65 and over is increasing rapidly. This has led to an increase in the number of people who are in need of health care services, and this has led to an increase in the number of people who are employed in the public sector.

Another reason for the increase is the increasing demand for health care services from the private sector. The private sector is becoming increasingly important in the provision of health care services, and this has led to an increase in the number of people who are employed in the public sector. The private sector is also becoming increasingly important in the provision of health care services, and this has led to an increase in the number of people who are employed in the public sector.

A third reason for the increase is the increasing demand for health care services from the voluntary sector. The voluntary sector is becoming increasingly important in the provision of health care services, and this has led to an increase in the number of people who are employed in the public sector. The voluntary sector is also becoming increasingly important in the provision of health care services, and this has led to an increase in the number of people who are employed in the public sector.

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